

2019 Bill 21

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First Session, 30th Legislature, 68 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

# **BILL 21**

## **ENSURING FISCAL SUSTAINABILITY ACT, 2019**

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THE PRESIDENT OF TREASURY BOARD AND MINISTER OF FINANCE

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First Reading . . . . .

Second Reading . . . . .

Committee of the Whole . . . . .

Third Reading . . . . .

Royal Assent . . . . .

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## BILL 21

2019

### ENSURING FISCAL SUSTAINABILITY ACT, 2019

(Assented to \_\_\_\_\_, 2019)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

#### Alberta Health Care Insurance Act

##### Amends RSA 2000 cA-20

**1(1) The *Alberta Health Care Insurance Act* is amended by this section.**

**(2) Section 1 is amended**

**(a) by adding the following after clause (j):**

(j.1) “designated person” means a person designated by the Minister under section 28.2;

**(b) by adding the following after clause (w):**

(w.1) “practitioner identification number” means a practitioner identification number issued under section 28.4(2);

**(3) Section 6 is amended**

**(a) by adding the following after subsection (1):**

**(1.1)** No physician who is opted into the Plan may receive the payment of benefits from the Minister for insured services provided in Alberta to a resident unless the physician provided the insured services in compliance with any conditions applicable to the physician’s practitioner identification number under section 28.5(1) or the regulations.

## Explanatory Notes

### Alberta Health Care Insurance Act

1(1) Amends chapter A-20 of the Revised Statutes of Alberta 2000.

(2) Section 1 presently reads in part:

*1 In this Act,*

*(j) “dependant” means a dependant as defined in the regulations;*

*(w) “practitioner” means a chiropractor, denturist, dentist, optician, optometrist, physician or podiatrist or other person who provides a basic health service or an extended health service;*

(3) Section 6 presently reads:

*6(1) No physician or dentist may receive the payment of benefits from the Minister for insured services provided in Alberta to a resident unless the physician or dentist was opted into the Plan when the insured services were provided.*

*(2) No resident may receive the payment of benefits from the Minister for insured services provided in Alberta to the resident by a*

**(b) by adding the following after subsection (2):**

**(2.1)** No resident may receive the payment of benefits from the Minister for insured services provided in Alberta to the resident by a physician who is opted into the Plan unless the physician who provided the insured services provided them in compliance with the conditions applicable to the physician's practitioner identification number under section 28.5(1) or the regulations.

**(c) in subsection (3) by striking out "subsections (1) and (2)" and substituting "subsections (1), (1.1), (2) and (2.1)".**

**(4) Section 8 is repealed and the following is substituted:**

**Opted-in and opted-out physicians**

**8(1)** A physician who holds a practitioner identification number that is not inactive is deemed to be opted into the Plan.

**(2)** A physician who holds a practitioner identification number that is inactive is deemed to be opted out of the Plan.

**(3)** A physician who does not hold a practitioner identification number is deemed to be opted out of the Plan.

**Opting in and opting out by physicians**

**8.1(1)** A physician who holds a practitioner identification number may opt out of the Plan by

- (a) notifying the Minister in writing indicating the effective date of the opting out,
- (b) publishing a notice of the opting out in a newspaper having general circulation in the area in which the physician practises, and
- (c) posting a notice of the opting out in a part of the physician's office to which patients have access

at least 180 days prior to the effective date of the opting out.

**(2)** The practitioner identification number of a physician who opts out of the Plan under subsection (1) becomes inactive effective on the date indicated in the written notice provided to the Minister under subsection (1)(a).

*physician or dentist unless the physician or dentist who provided the insured services was opted into the Plan when the insured services were provided.*

*(3) Notwithstanding subsections (1) and (2), the Minister may pay benefits for insured services provided in Alberta to a resident by a physician or dentist who was opted out of the Plan if the insured services were provided in an emergency.*

(4) Section 8 presently reads:

*8(1) Subject to this section, every physician is deemed to have opted into the Plan.*

*(2) A physician may opt out of the Plan by*

- (a) notifying the Minister in writing indicating the effective date of the opting out,*
- (b) publishing a notice of the proposed opting out in a newspaper having general circulation in the area in which the physician practises, and*
- (c) posting a notice of the proposed opting out in a part of the physician's office to which patients have access*

*at least 180 days prior to the effective date of the opting out.*

*(3) A physician who has not previously practised in Alberta may opt out of the Plan prior to commencing practice by*

- (a) notifying the Minister in writing indicating the date on which the physician will commence opted-out practice, and*
- (b) publishing a notice of the proposed opting out in a newspaper having general circulation in the area in which the physician intends to practise.*

*(4) A physician who has opted out of the Plan shall*

- (a) post a notice in a part of the physician's office to which patients have access advising patients of the physician's opted-out status, and*

**Duty of opted-out physician**

**8.2** A physician who is opted out of the Plan shall

- (a) post a notice in a part of the physician's office to which patients have access advising patients of the physician's opted-out status, and
- (b) ensure that each patient is advised in person of the physician's opted-out status before any service is provided to the patient.

**(5) Section 9 is amended**

**(a) by adding the following after subsection (1):**

**(1.1)** No physician who provides insured services to a person and is prohibited under section 6(1.1) from receiving the payment of benefits from the Minister for those insured services shall charge or collect from any person an amount for those insured services.

**(b) in subsection (2) by adding "or (1.1)" after "subsection (1)".**

*(b) ensure that each patient is advised in person of the physician's opted-out status before any service is provided to the patient.*

*(5) A physician who has been opted out of the Plan for a continuous period of at least one year may opt into the Plan by notifying the Minister in writing at least 30 days prior to the effective date of the opting in.*

*(6) A physician who has been opted out of the Plan for a continuous period of less than one year may apply to the Minister to opt into the Plan.*

*(7) An application under subsection (6) must be in a form acceptable to and contain the information required by the Minister.*

*(8) In making a decision on an application under subsection (6), the Minister shall take into consideration the factors, if any, that are set out in the regulations.*

(5) Section 9 presently reads in part:

*9(1) No physician or dentist who is opted into the Plan who provides insured services to a person shall charge or collect from any person an amount in addition to the benefits payable by the Minister for those insured services.*

*(2) If a physician or dentist contravenes subsection (1), the Minister may,*

*(a) in the case of a first or subsequent contravention, send a written warning to the physician or dentist,*

*(b) in the case of a 2nd or subsequent contravention, refer the contravention to the College or the Alberta Dental Association and College, as the case may be, and*

*(c) in the case of a 3rd or subsequent contravention, order that, after a date specified in the order, the physician or dentist is deemed to have opted out of the Plan for the period specified in the order.*

**(6) Section 13 is amended**

**(a) in subsection (1)**

**(i) in clause (a) by striking out “or”;**

**(ii) in clause (b) by striking out “section 12,” and substituting “section 6(1.1) or 12, or”;**

**(iii) by adding the following after clause (b):**

(c) receives an amount in contravention of section 9(1.1),

**(b) in subsection (2) by striking out “or the benefits in a case referred to in subsection (1)(b),” and substituting “the benefits in a case referred to in subsection (1)(b) or the amount in a case referred to in subsection (1)(c)”.**

**(7) Section 15 is amended by adding the following after subsection (1):**

**(1.1)** Prior to providing insured services in Alberta to a resident in respect of whom benefits may be paid, a physician who is prohibited under section 6(1.1) from receiving the payment of benefits from the Minister for the insured services shall advise the resident of that fact and that the resident is not entitled to be reimbursed from the Plan for the cost of the insured services.

**(8) Section 18 is amended**

**(a) by adding the following after subsection (1):**

**(1.1)** For greater certainty, the Minister may, with respect to any claim for benefits that has been assessed under section 4(2), reassess the claim if the physician is prohibited under section 6(1.1) from receiving the payment of benefits from the Minister for the service.

(6) Section 13 presently reads:

*13(1) If a physician or dentist*

- (a) in contravention of section 9 or 10, receives an amount in addition to the benefits payable by the Minister, or*
- (b) receives the payment of benefits in contravention of section 12,*

*the Minister may act under subsection (2).*

*(2) If subsection (1) applies, the Minister may recover the additional amount and the benefits in a case referred to in subsection (1)(a), or the benefits in a case referred to in subsection (1)(b), by one or more of the following means:*

- (a) by withholding those amounts from any benefits payable to the physician or dentist;*
- (b) by civil action as though those amounts were a debt owing to the Crown in right of Alberta;*
- (c) pursuant to any agreement between the Minister and the physician or dentist that provides for the repayment of those amounts.*

(7) Section 15 presently reads:

*15(1) Prior to providing insured services in Alberta to a resident in respect of whom benefits may be paid, a physician or dentist who is opted out of the Plan shall advise the resident of that fact and that the resident is not entitled to be reimbursed from the Plan for the cost of any insured services provided by the physician or dentist.*

*(2) This section does not apply when the insured services are provided in an emergency.*

(8) Section 18 presently reads in part:

*18(1) The Minister may, with respect to any claim for benefits that has been assessed under section 4(2), reassess the claim if the payment or rejection of the claim was made in error or as a result of erroneous or false information provided by the resident or practitioner concerned or by any other person acting on behalf of the resident or practitioner concerned.*

**(b) in subsections (5) and (7) by striking out “subsection (1) or (2)” and substituting “subsection (1), (1.1) or (2)”.**

**(9) Section 23 is amended by striking out “or to a person employed in the administration of this Act” and substituting “, to a designated person or to a person employed in the administration of this Act or the regulations”.**

**(10) The following is added after section 28:**

## **Part 1.1 Physician Resource Planning**

### **Physician resource planning committees**

**28.1(1)** The Minister may establish the committees that the Minister considers necessary to provide advice to the Minister with respect to the Minister’s duties under section 28.3.

*(5) When the Minister reassesses claims pursuant to subsection (1) or (2), the Minister may make any appropriate adjustment in the amounts paid with respect to the claim and*

- (a) if the amounts paid were in excess of the benefits payable under the adjustment, recover the excess from the resident or the practitioner, as the case may be,*
  - (i) by withholding from any benefits payable to the resident or the practitioner, as the case may be, an amount equivalent to the excess,*
  - (ii) by civil action as though the excess were a debt owing to the Crown in right of Alberta, or*
  - (iii) pursuant to an agreement between the Minister and the resident or practitioner concerned providing for the payment of the excess;*
- (b) if the amounts paid were less than the benefits payable under the adjustment, pay to the resident or the practitioner to whom the benefits were paid, as the case may be, the amount of the deficiency.*

*(7) The Minister may withhold benefits payable to a practitioner or a resident until the completion of a reassessment under subsection (1) or (2) of claims relating to services provided by that practitioner.*

(9) Section 23 presently reads:

*23 If a practitioner or an agent or employee of a practitioner discloses information to the Minister or to a person employed in the administration of this Act, no action lies against the practitioner or the agent or employee in respect of the disclosure of that information.*

(10) Part 1.1, Physician Resource Planning.

- (2) The Minister may, with respect to a committee established under subsection (1),
- (a) appoint or provide for the manner of the appointment of its members,
  - (b) prescribe the term of office of any member,
  - (c) designate a chair, vice-chair and secretary, and
  - (d) authorize, fix or provide for the payment of remuneration and expenses to its members.
- (3) Remuneration and expenses referred to in subsection (2) must be determined
- (a) in accordance with any applicable regulations under the *Alberta Public Agencies Governance Act*, or
  - (b) by the Minister if no regulations under the *Alberta Public Agencies Governance Act* are applicable.
- (4) The Minister may give directions to a committee with respect to any matter relating to its duties or the conduct and management of its affairs.

**Designated person**

**28.2** The Minister shall, by order, designate one or more persons as a designated person for the purposes of this Part.

**Physician complement**

**28.3** For the purposes of determining the maximum number of physicians who may be opted into the Plan in the Province, the Minister shall, at the times determined by the Minister, limit the number of practitioner identification numbers that may be issued under section 28.4(2) or reactivated under section 28.4(4) within each of the following categories:

- (a) geographic area of practice;
- (b) practice type or specialty;
- (c) any other category prescribed in the regulations.

**Application for practitioner identification number**

**28.4(1)** A physician who does not hold a practitioner identification number and wishes to opt into the Plan shall apply to a designated person, in accordance with the regulations, for a practitioner identification number.



(2) Subject to the regulations and the limits set by the Minister under section 28.3, a designated person shall issue a practitioner identification number to a physician who applies under subsection (1).

(3) A physician who holds a practitioner identification number that is inactive and wishes to opt into the Plan shall apply to a designated person, in accordance with the regulations, for reactivation of the practitioner identification number.

(4) Subject to the regulations and the limits set by the Minister under section 28.3, a designated person shall reactivate the practitioner identification number of a physician who applies under subsection (3).

(5) A practitioner identification number that was issued by the Minister under the *Claims for Benefits Regulation* (AR 81/2006) to a physician who, immediately before the coming into force of this section, is opted into the Plan is deemed to have been issued as a practitioner identification number under subsection (2).

#### **Conditions**

**28.5(1)** On issuing a practitioner identification number under section 28.4(2) or reactivating a practitioner identification number under section 28.4(4), a designated person shall, subject to the regulations and the limits set by the Minister under section 28.3, determine the conditions that apply to the practitioner identification number.

(2) A decision of a designated person under this Part is final.

(3) Despite anything in this Act or the regulations, no condition applies to a practitioner identification number referred to in section 28.4(5) so long as the practitioner identification number does not become inactive.

#### **Duties of designated person**

**28.6** A designated person shall

- (a) report to the Minister, in the form and manner and at the times required by the Minister, respecting the exercise of the designated person's powers and the performance of the designated person's duties under this Act, and
- (b) perform any other duties set out in the regulations.

#### **Regulations**

**28.7(1)** The Lieutenant Governor in Council may make regulations

- (a) prescribing other categories for the purposes of section 28.3;



- (b) respecting practitioner identification numbers, including regulations respecting
  - (i) applications made under section 28.4(1) and (3), and the requirements to be met by physicians for the purposes of an application, and
  - (ii) issuing, suspending and reactivating practitioner identification numbers and respecting the circumstances in which practitioner identification numbers may or shall be issued, suspended, reactivated or become inactive;
- (c) requiring a physician who is deemed under section 9(2)(c) to have opted out of the Plan for a specified period to apply to a designated person on the expiry of the period and respecting conditions that may or shall apply to a physician's practitioner identification number following an application;
- (d) requiring a physician whose practitioner identification number has been suspended to apply to a designated person on the expiry of the suspension period and respecting conditions that may or shall apply to a physician's practitioner identification number following an application;
- (e) respecting the imposition of conditions on a practitioner identification number on issuance or reactivation or at any other time, prescribing the conditions and respecting the circumstances in which the conditions may or shall apply to a practitioner identification number;
- (f) respecting the varying of conditions that apply to a practitioner identification number at any time, including regulations
  - (i) requiring a physician who wishes to vary the conditions that apply to the physician's practitioner identification number to apply to a designated person to vary the conditions,
  - (ii) respecting applications made under subclause (i), and the requirements to be met by physicians for the purposes of an application, and
  - (iii) respecting the circumstances in which a designated person may vary the conditions that apply to a practitioner identification number;
- (g) requiring a physician to pay fees for an application, issuance or reactivation under this Part and prescribing the fees;



- (h) requiring a physician to report to a designated person or to the Minister respecting matters related to this Part and respecting the information that must be included in a report;
  - (i) respecting the collection, use and disclosure of information, including personal information as defined in the *Freedom of Information and Protection of Privacy Act* and health information as defined in the *Health Information Act*, for the purposes of this Part and the regulations;
  - (j) respecting additional powers and duties of a designated person;
  - (k) defining any word or expression that this Act uses but does not define;
  - (l) generally, providing for any other matter considered necessary for the purpose of the administration and operation of this Part or to meet cases that may arise and for which no provision is made by this Part.
- (2) A regulation made under subsection (1) may do one or more of the following:
- (a) delegate a matter to or confer discretion on a designated person;
  - (b) create different classes of physicians and provide differently for different classes;
  - (c) limit the application of the regulation in time or place, or both.

**Transitional regulations**

**28.8(1)** In this section, “previous Act” means this Act as it read immediately before the coming into force of this section.

- (2) The Lieutenant Governor in Council may make regulations
- (a) respecting the transition to this Act as amended by the *Ensuring Fiscal Sustainability Act, 2019* of anything under the previous Act;
  - (b) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the transition to this Act as amended by the *Ensuring Fiscal Sustainability Act, 2019* from the previous Act.
- (3) A regulation made under subsection (2) may be made retroactive to the extent set out in the regulation.
- (4) A regulation made under subsection (2) is repealed 2 years after the regulation comes into force.



(5) The repeal of a regulation under subsection (4) does not affect anything done under the authority of the regulation before the repeal of the regulation.

**(11) Section 40.1(1) is amended by striking out “In this section” and substituting “In this section and section 40.2”.**

**(12) The following is added after section 40.1:**

**Termination of agreements**

**40.2(1)** In this section, “regional health authority” means a regional health authority established under the *Regional Health Authorities Act*.

(2) The Lieutenant Governor in Council may, by order, terminate

- (a) an agreement referred to in section 40(1),
- (b) the AMA Agreement, or
- (c) any other agreement between the Crown in right of Alberta and the Alberta Medical Association, or any other person, respecting compensation matters.

(3) An agreement that is the subject of an order made under subsection (2) is terminated and is of no force and effect on the date specified in the order.

(11) Section 40.1(1) presently reads:

*40.1(1) In this section,*

- (a) “AMA Agreement” means the agreement between Her Majesty the Queen in Right of Alberta, as represented by the Minister of Health, and the Alberta Medical Association (C.M.A. Alberta Division) made effective April 1, 2011, as amended from time to time;*
- (b) “compensation matters” means*
  - (i) the rates of benefits payable for the provision of insured services by a physician, and*
  - (ii) funding for the physician assistance programs and physician support programs referred to in the AMA Agreement, or any successors to those programs;*
- (c) “physician” means a physician referred to in section 1(i)(i) who provides insured services and is paid in accordance with this Act.*

(12) Termination of agreements.

**(4)** For greater certainty, on the termination of an agreement under subsection (2),

- (a) any dispute resolution process that had commenced under the agreement and had not concluded is terminated, and
- (b) all rights, privileges, obligations and interests arising out of the agreement, or out of any decision or award resulting from a dispute resolution process concluded under the agreement, cease to exist.

**(5)** No action or other proceeding that is based on or is in relation to an agreement referred to in subsection (2) or the termination of an agreement under subsection (2) lies or may be instituted against the Crown, any Minister of the Crown, a regional health authority or any employee or agent of the Crown or of a regional health authority for anything done or omitted to be done, or for anything purported to have been done or omitted to be done.

**(6)** For greater certainty, section 40.1(4) applies to the making of an order terminating an agreement under subsection (2).

**(13) The following is added after section 41:**

**Protection from liability**

**41.1** No action or other proceeding may be brought against the Minister, a designated person, a person acting under the authority of the Minister or a designated person or a person employed in the administration of this Act in respect of anything done or omitted to be done in good faith in the exercise or purported exercise of a power or the performance or purported performance of a duty or function under this Act.

**(14) This section, except subsections (11) and (12), has effect on April 1, 2022.**

## **Alberta Housing Act**

**Amends RSA 2000 cA-25**

**2(1) The *Alberta Housing Act* is amended by this section.**

**(2) Section 33.1 is amended**

- (a) by repealing subsections (2) and (3) and substituting the following:**

(13) Protection from liability.

(14) Coming into force.

### **Alberta Housing Act**

**2(1)** Amends chapter A-25 of the Revised Statutes of Alberta 2000.

(2) Section 33.1 presently reads in part:

*(2) A management body shall review and adjust the monthly basic lodge rate for each senior household in standard lodge*

**(2)** A management body shall review and adjust the monthly basic lodge rate for each senior household in standard lodge accommodation after setting the monthly basic lodge rates under subsection (1) to ensure that each member of the senior household who is 65 years of age or older is left with the minimum monthly disposable income amount under subsection (3).

**(3)** The minimum monthly disposable income amount is the following:

- (a) subject to clause (b), the amount set out in the Schedule;
- (b) effective the CPI adjustment date of the CPI adjustment year determined by the Lieutenant Governor in Council under subsection (3.1), an amount adjusted annually on the CPI adjustment date in accordance with the Schedule.

**(3.1)** The Lieutenant Governor in Council may by order determine the CPI adjustment year effective which the minimum monthly disposable income amount is to be adjusted in accordance with the Schedule.

- (b) in subsection (4) by adding “minimum” before “monthly disposable income amount”;**
- (c) in subsection (5) by adding “minimum” before “monthly disposable income amount”;**
- (d) in subsection (6) by adding “minimum” before “monthly disposable income amount”.**

**(3) Section 34(1) is amended**

- (a) in clause (i.1) by adding “minimum” before “monthly disposable income amount”;**
- (b) in clause (i.3) by adding “minimum” before “monthly disposable income amount”.**

*accommodation at the following times to ensure that each member of the senior household who is 65 years of age or older is left with the monthly disposable income amount under subsection (3):*

*(a) after setting the monthly basic lodge rates under subsection (1);*

*(b) annually on the CPI adjustment date.*

*(3) The monthly disposable income amount is*

*(a) effective January 1, 2019, the amount set out in the Schedule, and*

*(b) effective January 1, 2020, an amount adjusted annually on each CPI adjustment date in accordance with the Schedule.*

*(4) A new CPI adjustment date may be set under the regulations if the new date does not result in more than 12 months between adjustments of the monthly disposable income amount.*

*(5) Despite subsection (3)(b), the monthly disposable income amount must not be adjusted under this section in a CPI adjustment year if the change in the Alberta CPI applicable to that year is a negative number.*

*(6) Despite subsections (3) and (5), the monthly disposable income amount may be increased at any time in accordance with the regulations.*

*(3) Section 34(1) presently reads in part:*

*34(1) The Minister may make regulations*

*(i.1) respecting increases to the monthly disposable income amount, including regulations*

*(i) respecting the amounts of increases or the manner in which the amounts of increases are to be determined, and*

*(ii) respecting the timing of increases;*

*(i.3) respecting matters arising when a CPI adjustment date is changed, including the manner in which adjustments to the monthly disposable income amount are to be calculated;*

**(4) The Schedule is amended**

**(a) by repealing section 1 and substituting the following:**

**Minimum monthly disposable income amount**

**1** Subject to the regulations, the minimum monthly disposable income amount

- (a) under section 33.1(3)(a) of this Act, is \$322, and
- (b) under section 33.1(3)(b) of this Act, must be adjusted by an amount equal to
  - (i) the minimum monthly disposable income amount for the previous CPI adjustment year, including any increase to that amount made under the regulations,  
  
multiplied by
  - (ii) the change in the Alberta CPI determined in accordance with section 2.

**(b) in section 2**

- (i) **in subsection (1) by striking out** “For the 2020 CPI adjustment year and each subsequent adjustment year, the” **and substituting** “The”;
- (ii) **in subsection (2) by adding** “minimum” **before** “monthly disposable income amount”.

(4) The Schedule presently reads in part:

*1 Subject to the regulations, the monthly disposable income amount under section 33.1 of this Act*

*(a) for the 2019 CPI adjustment year, is \$322, and*

*(b) for the 2020 CPI adjustment year and each subsequent CPI adjustment year, must be adjusted by an amount equal to*

*(i) the monthly disposable income amount for the previous CPI adjustment year, including any increase to that amount made under the regulations,*

*multiplied by*

*(ii) the change in the Alberta CPI determined in accordance with section 2.*

*2(1) For the 2020 CPI adjustment year and each subsequent adjustment year, the change in the Alberta CPI is the amount determined by the formula*

$$X = \frac{A}{B} - 1$$

*where*

*X is the change in the Alberta CPI, rounded to 3 decimal places;*

*A is the sum of the 12 individual Alberta CPI indexes for each month in the 12-month period ending on September 30 of the calendar year that ended before the commencement of the CPI adjustment year;*

*B is the sum of the 12 individual monthly Alberta CPI indexes for each month in the 12-month period immediately preceding the 12-month period referred to in A.*

*(2) The Minister, in consultation with the Minister responsible for the Financial Administration Act, shall determine the amount by which the monthly disposable income amount must be adjusted under section 1 if the Alberta CPI is not available for part or all of the CPI adjustment year for which the change in the Alberta CPI is being calculated.*

**(5) This section has effect on December 31, 2019.**

**Alberta Utilities Commission Act**

**Amends SA 2007 cA-37.2**

**3(1) The *Alberta Utilities Commission Act* is amended by this section.**

**(2) Section 39 is amended**

**(a) by repealing subsection (1)(b)(i.1);**

**(b) in subsection (3)(a)**

**(i) by adding “and” at the end of subclause (ii);**

**(ii) by repealing subclause (iii).**

- (5) Coming into force.

### **Alberta Utilities Commission Act**

- 3(1)** Amends chapter A-37.2 of the Statutes of Alberta, 2007.

- (2) Section 39 presently reads in part:

*39(1) Subject to regulations made under section 59(1)(a), the Market Surveillance Administrator has the mandate*

- (b) to investigate matters, on its own initiative or on receiving a complaint or referral under section 41, and to undertake activities to address*

- (i.1) contraventions of An Act to Cap Regulated Electricity Rates or the regulations under that Act,*

*including negotiating and entering into settlement agreements and bringing matters before the Commission.*

- (3) In carrying out its mandate, the Market Surveillance Administrator shall assess the following:*

- (a) whether or not the conduct of an electricity market participant supports the fair, efficient and openly competitive operation of the electricity market and whether or not the electricity market participant has complied with or is complying with*

- (i) the Electric Utilities Act, the regulations under that Act, the ISO rules, reliability standards, market rules and any arrangements entered into under the Electric Utilities Act or the regulations under that Act,*

- (ii) the Renewable Electricity Act, the regulations under that Act and any renewable electricity support agreements entered into under that Act,*

- (iii) An Act to Cap Regulated Electricity Rates and the regulations under that Act, and*

- (iv) a decision, order or rule of the Commission;*

**(3) Sections 51(1)(a)(i.1) and 56(3)(a)(i.1) are repealed.**

**(4) This section is effective on the repeal of *An Act to Cap Regulated Electricity Rates*.**

**Assured Income for the Severely Handicapped Act**

**Amends SA 2006 cA-45.1**

**4(1) The *Assured Income for the Severely Handicapped Act* is amended by this section.**

**(2) Section 1 is amended**

**(a) in clause (b) by striking out “section 3.2” and substituting “the regulations”;**

**(b) by repealing clause (i).**

(3) Sections 51(1) and 56(3) presently read in part:

*51(1) If the Market Surveillance Administrator is satisfied that*

*(a) a person*

*(i) has contravened the Electric Utilities Act, a regulation under that Act, an ISO rule or a reliability standard,*

*(i.1) has contravened An Act to Cap Regulated Electricity Rates or the regulations under that Act,*

*(ii) has contravened Part 2.1 of the Gas Utilities Act or the regulations under that Act,*

*(iii) has contravened a decision, order or rule of the Commission, or*

*(iv) has engaged in conduct that does not support the fair, efficient and openly competitive operation of the electricity market, the capacity market or the natural gas market, as the case may be,*

*56(3) The Commission may make an order*

*(a) if it is of the opinion that a person*

*(i.1) has contravened An Act to Cap Regulated Electricity Rates or the regulations under that Act,*

(4) Coming into force.

### **Assured Income for the Severely Handicapped Act**

**4(1)** Amends chapter A-45.1 of the Statutes of Alberta, 2006.

(2) Section 1 presently reads in part:

*1 In this Act,*

*(b) “client” means a recipient of a benefit who is eligible under section 3.2;*

*(i) “severe handicap” means an impairment of mental or physical functioning or both that, in a director’s opinion after considering any relevant medical or psychological reports, causes substantial limitation in the person’s ability to earn a livelihood and is likely to continue to affect that person permanently because no remedial therapy is available that would materially improve the person’s ability to earn a livelihood.*

**(3) Section 3(1) is amended by striking out “section 3.2” wherever it occurs and substituting “the regulations”.**

**(4) Section 3.1(2) is repealed and the following is substituted:**

**(2)** The amount of a benefit or a benefit component referred to in subsection (1)(a), (b) or (c) is as follows:

- (a) subject to clause (b), the amount set out in Schedule 1 or determined in accordance with Schedule 1;
- (b) effective the CPI adjustment date of the CPI adjustment year determined under subsection (2.2)(a), an amount adjusted annually on the CPI adjustment date in accordance with Schedule 1.

**(2.1)** The amount of a benefit or a benefit component referred to in subsection (1)(d) is as follows:

- (a) subject to clause (b), the amount determined in accordance with Schedule 1;
- (b) subject to Schedule 1, effective the CPI adjustment date of the CPI adjustment year determined under subsection (2.2)(b), an amount adjusted annually on the CPI adjustment date in accordance with Schedule 1.

**(2.2)** The Lieutenant Governor in Council may by regulation determine the CPI adjustment year effective which

- (a) a benefit or a benefit component referred to in subsection (1)(a), (b) or (c) is to be adjusted under subsection (2)(b), and
- (b) a benefit or a benefit component referred to in subsection (1)(d) is to be adjusted under subsection (2.1)(b).

(3) Section 3 presently reads in part:

*3(1) A director may, subject to this Act and in accordance with the regulations, provide the following benefits:*

- (a) a living allowance, a child benefit or a personal benefit to a person who is eligible under section 3.2;*
- (b) a health benefit to a person who is eligible under section 3.2 and any cohabiting partner or dependent children of that person.*

(4) Section 3.1(2) presently reads:

*(2) The amount of a benefit or a benefit component referred to in subsection (1) is*

- (a) effective January 1, 2019, the amount set out in Schedule 1 or determined in accordance with Schedule 1, and*
- (b) subject to Schedule 1, effective January 1, 2020, an amount adjusted annually on the CPI adjustment date in accordance with Schedule 1.*

**(5) Section 3.2 is repealed and the following is substituted:**

**Eligibility for benefits**

**3.2** Subject to the regulations, a person is eligible to receive a benefit if the person is eligible under the regulations.

**(6) Section 3.3 is repealed.**

(5) Section 3.2 presently reads:

*3.2(1) Subject to subsection (2), a person is eligible to receive a benefit if the person satisfies a director that*

- (a) the person is a Canadian citizen or permanent resident within the meaning of the Immigration and Refugee Protection Act (Canada), is ordinarily resident in Alberta and is 18 years of age or older,*
  - (b) the person has a severe handicap,*
  - (c) the income of the person and the person's cohabiting partner as determined in accordance with Schedule 2 is less than the maximum amount of the living allowance plus, if applicable, the child benefit,*
  - (d) the value of all assets of the person and the person's cohabiting partners as determined in accordance with the regulations is*
    - (i) \$100 000 or less, or*
    - (ii) in the case of eligibility for a personal benefit, \$5000 or less,*
- and*
- (e) the person meets any other conditions set out in the regulations.*

*(2) Where the Minister determines that a person is in circumstances of financial hardship, the Minister may exempt that person from the requirement of*

- (a) subsection (1)(c), in the case of eligibility for a health benefit, and*
- (b) subsection (1)(d)(ii).*

(6) Section 3.3 presently reads:

*3.3 For the purposes of section 3.2(1)(d), the value of all assets of a person and the person's cohabiting partner must not include*

**(7) Section 12(1) is amended**

**(a) by adding the following after clause (a.1):**

(a.11) respecting eligibility conditions;

**(b) by repealing clause (a.2);**

**(c) in clause (a.3) by adding “and CPI adjustment years” after “CPI adjustment dates”;**

**(d) by adding the following after clause (b):**

(b.1) respecting the determination of the income of an applicant or client and his or her cohabiting partner;

**(e) by repealing clause (d.1).**

**(8) Schedule 1 is amended**

**(a) in section 1 by striking out “under section 3.1(2)(b) of this Act must be adjusted” and substituting “under section 3.1(2)(b) or 3.1(2.1)(b) of this Act must be adjusted annually”;**

**(b) in section 3(2)**

**(i) in clause (a) by striking out “for the 2019 CPI adjustment year” and substituting “under section 3.1(2)(a) of this Act”;**

- (a) *the value of any assets that are held in a trust in which the person or the person's cohabiting partner has a beneficial interest, or*
- (b) *money received where that money is*
  - (i) *not income as determined in accordance with Schedule 2, and*
  - (ii) *invested within 365 days from the date of receipt of the money in an asset designated in the regulations for the purposes of this section.*

(7) Section 12(1) presently reads in part:

*12(1) The Lieutenant Governor in Council may make regulations*

- (a.1) *respecting increases to the amounts of benefits or benefit components, except personal benefits, including regulations*
  - (i) *respecting the amounts of increases or the manner in which the amounts of increases are to be determined;*
  - (ii) *respecting the timing of increases;*
- (a.2) *respecting increases to the value of assets for the purpose of section 3.2(1)(d)(i) and (ii);*
- (a.3) *respecting CPI adjustment dates;*
- (b) *respecting the circumstances in which a director may provide, refuse, suspend, vary or discontinue a benefit;*
- (d.1) *designating assets for the purposes of section 3.3(b)(ii);*

(8) Schedule 1 presently reads in part:

*1 Subject to the regulations, a benefit or a benefit component that is to be adjusted under section 3.1(2)(b) of this Act must be adjusted by an amount equal to*

- (a) *the amount of the benefit or the benefit component for the previous CPI adjustment year, including any increase to that amount made under the regulations,*

*multiplied by*

- (ii) **in clause (b) by striking out** “for the 2020 CPI adjustment year and subsequent CPI adjustment years” **and substituting** “under section 3.1(2)(b) of this Act”;
- (c) **in section 4(2)**
  - (i) **in clause (a) by striking out** “for the 2019 CPI adjustment year” **and substituting** “under section 3.1(2)(a) of this Act”;
  - (ii) **in clause (b) by striking out** “for the 2020 CPI adjustment year and subsequent CPI adjustment years” **and substituting** “under section 3.1(2)(b) of this Act”;
- (d) **in section 5(2)**
  - (i) **in clause (a) by striking out** “for the 2019 CPI adjustment year” **and substituting** “under section 3.1(2)(a) of this Act”;
  - (ii) **in clause (b) by striking out** “for the 2020 CPI adjustment year and subsequent adjustment years” **and substituting** “under section 3.1(2)(b) of this Act”;
- (e) **in section 6(b) and (c) by striking out** “Schedule 2” **and substituting** “the regulations”;
- (f) **in section 7**
  - (i) **in subsection (2)**
    - (A) **in clause (a) by striking out** “for the 2019 CPI adjustment year” **and substituting** “under section 3.1(2.1)(a) of this Act”;
    - (B) **in clause (b) by striking out** “for the 2020 CPI adjustment year and subsequent adjustment years” **and substituting** “under section 3.1(2.1)(b) of this Act”;
  - (ii) **in subsection (3) by striking out** “Section 3.1(2)(b)” **and substituting** “Section 3.1(2.1)(b)”.

(b) *the change in the Alberta CPI determined in accordance with section 2.*

*3(1) A modified monthly living allowance may be paid to an applicant or a client who resides in a facility.*

*(2) Subject to section 6, the amount of the monthly modified living allowance is the sum of*

*(a) for the 2019 CPI adjustment year,*

*(i) \$322, and*

*(ii) in accordance with subsection (3), the accommodation charge set in section 3(1) of the Nursing Homes Operation Regulation (AR 258/85),*

*and*

*(b) for the 2020 CPI adjustment year and subsequent CPI adjustment years,*

*(i) an amount adjusted in accordance with section 1, and*

*(ii) in accordance with subsection (3), the accommodation charge set in section 3(1) of the Nursing Homes Operation Regulation (AR 258/85).*

*4(1) A monthly living allowance may be paid to an applicant or a client who does not reside in a facility.*

*(2) Subject to section 6, the amount of the monthly living allowance is*

*(a) for the 2019 CPI adjustment year, \$1685, and*

*(b) for the 2020 CPI adjustment year and subsequent CPI adjustment years, an amount adjusted in accordance with section 1.*

*5(1) A monthly child benefit may be paid to one applicant or client per household per dependent child.*

*(2) Subject to section 6, the amount of the monthly child benefit is*

*(a) for the 2019 CPI adjustment year, \$200 for the first child and \$100 for each additional child, and*



*(b) for the 2020 CPI adjustment year and subsequent CPI adjustment years, amounts adjusted in accordance with section 1.*

*6 The following must be deducted from a benefit paid under section 3, 4 or 5:*

- (a) if the client resides in a group home owned and operated by the Government of Alberta that is designated by the Minister, the amount payable by the person for residence in that group home;*
- (b) the client's income as determined in accordance with Schedule 2;*
- (c) if the client's cohabiting partner is not a client, the cohabiting partner's income as determined in accordance with Schedule 2.*

*7(1) The Minister may determine the amount of a personal benefit and the frequency with which a personal benefit may be provided.*

*(2) The amount of a personal benefit is*

- (a) for the 2019 CPI adjustment year, the amount determined by the Minister, and*
- (b) for the 2020 CPI adjustment year and subsequent CPI adjustment years, an amount adjusted in accordance with section 1, subject to subsection (3) of this section.*

*(3) Section 3.1(2)(b) of this Act does not apply to a personal benefit amount that is*

- (a) a reimbursement of an actual cost,*
- (b) an amount established in an agreement entered into by the Minister, or*
- (c) based on an amount that is determined under another enactment or under a Government program.*

**(9) Schedule 2 is repealed.**

(9) Schedule 2 presently reads:

*Schedule 2*

*Determination of Income*

*1(1) The following constitute income that is included in a determination of income:*

- (a) income reportable under the Income Tax Act (Canada) that is not exempted under Table 1;*
- (b) tax-exempt employment, self-employment or pension income of a treaty Indian;*
- (c) the value of support, as determined by a director, received by a sponsored immigrant under an agreement under the Immigration and Refugee Protection Act (Canada);*
- (d) trust income, as deemed by a director, payable to a beneficiary under a trust.*

*(2) The following are deducted from the related income under subsection (1) in a determination of income:*

- (a) if the income is employment income,*
  - (i) the deductions allowable under the Income Tax Act (Canada) for*
    - (A) income tax,*
    - (B) Canada Pension Plan (Canada) premiums,*
    - (C) employment insurance premiums,*
    - (D) union, professional and like dues, and*
    - (E) other employment expenses,*
  - and*
  - (ii) any deductions required by an employer as a condition of the employment;*



- (b) *if the income is self-employment income, limited or non-active partnership income or rental income, the deductions allowable under the Income Tax Act (Canada) for*
    - (i) *determining net income,*
    - (ii) *Canada Pension Plan (Canada) contributions, and*
    - (iii) *union, professional and like dues;*
  - (c) *if the income is employment insurance income, income tax;*
  - (d) *if the income is tax-exempt employment income of a treaty Indian,*
    - (i) *the deductions that would have been allowable under clause (a)(i), had the income been taxable, and*
    - (ii) *any deductions allowable under clause (a)(ii);*
  - (e) *if the income is tax-exempt self-employment income of a treaty Indian, the deductions that would have been allowable under clause (b), had the income been taxable.*
- (3) *Despite subsection (2), a director is not required to deduct the following under that subsection:*
- (a) *any amount referred to in subsection (2)(a)(i), (b), (c), (d)(i) or (e) that, in the director's opinion, would not be allowed under the Income Tax Act (Canada) or that artificially reduces net income;*
  - (b) *any amount referred to in subsection (2)(a)(ii) or (d)(ii) that the director is not satisfied is being deducted as a condition of the employment.*
- (4) *After the items in subsection (2) have been deducted, the following are deducted from income, subject to subsection (5):*
- (a) *if the applicant or client does not have a cohabiting partner or a dependent child,*
    - (i) *in respect of income that is listed in Table 2, the sum of*
      - (A) *100% of the income up to \$300, plus*
      - (B) *25% of the remainder,*



*and*

*(ii) in respect of self-employment and employment income, the sum of*

*(A) 100% of the income up to \$1072, plus*

*(B) 50% of the income in excess of \$1072 up to \$2009;*

*(b) if the applicant or client has a cohabiting partner or a dependent child,*

*(i) in respect of income that is listed in Table 2 and income of the cohabiting partner that is listed in Table 3, the sum of*

*(A) 100% of the income up to \$875, plus*

*(B) 25% of the remainder,*

*and*

*(ii) in respect of self-employment and employment income, the sum of*

*(A) 100% of the income up to \$2612, plus*

*(B) 50% of the income in excess of \$2612 up to \$3349.*

*(5) For the purposes of subsection (4), cohabiting partners who are both applicants or clients are treated as if*

*(a) they did not have a cohabiting partner, and*

*(b) only one has, if any, a dependent child.*

*(6) The remainder of the income is then prorated or applied to a specific month in accordance with section 2 of this Schedule to determine income for the purposes of sections 3.2(1)(c) and 3.3(b)(i) of this Act and section 6(b) and (c) of Schedule 1.*

*(7) If the hourly minimum wage established under the Employment Standards Code is increased, the maximum amounts referred to in subsection (4)(a)(ii) and (b)(ii) must be increased by a percentage, rounded to 3 decimal places, equal to the percentage increase in the minimum wage and rounded up to the nearest dollar.*



*2(1) Self-employment income is determined by taking the previous year's income and prorating it over 12 months.*

*(2) Income, excluding self-employment income, is determined, in the sole discretion of a director, by one of the following methods:*

- (a) if income is reported monthly, based on the prior month's actual income;*
- (b) if income is reported other than monthly,
  - (i) based on actual monthly income of the prior reporting period,*
  - (ii) based on the prior reporting period's actual income prorated over the number of months in that period, or*
  - (iii) a combination of (i) and (ii).**

*(3) Despite subsection (1), if, in a director's opinion, there is a significant change in the present year's self-employment income, the director may prorate the previous year's self-employment income over a different period.*

*(4) Despite subsections (1) and (3), if, in a director's opinion, income is reported that relates to a different or longer period, the director may apply or prorate the income to that period.*

*3 The Lieutenant Governor in Council may by regulation amend this Schedule as follows:*

- (a) by adding additional types of deductions from income under section 1(2);*
- (b) by adding additional amounts not required to be deducted from income under section 1(3);*
- (c) by increasing the amounts referred to in section 1(4);*
- (d) by adding additional sources of income to be exempted under Table 1, 2 or 3.*

*Table 1  
100% Income Exemptions*

*1 The following income reportable under the Income Tax Act (Canada) is exempted from the determination of income:*



- (a) *honoraria;*
- (b) *death benefits;*
- (c) *income for the benefit of a dependent child under the following:*
  - (i) *a child support agreement;*
  - (ii) *the Child, Youth and Family Enhancement Act;*
- (d) *a benefit under this Act;*
- (e) *a benefit under the Seniors Benefit Act if it is received by a cohabiting partner;*
- (f) *RRSP withdrawals;*
- (f.1) *a payment under a registered disability savings plan under section 146.4 of the Income Tax Act (Canada);*
- (g) *an award or prize given in recognition of outstanding academic or community achievement;*
- (h) *a scholarship, bursary or other form of contribution used for educational purposes at a school or educational establishment recognized under the Income Tax Act (Canada);*
- (i) *an education or training grant, an artist grant or a grant to start a business;*
- (j) *money received for home repairs or renovations from the Government of Canada or Alberta or from a community service organization;*
- (k) *income exempted by the Minister where*
  - (i) *an applicant or client or his or her cohabiting partner is residing in a facility, and*
  - (ii) *the Minister determines that the inclusion of the income would create a financial hardship;*
- (l) *a payment received from the Government of Canada or Alberta or the government of another province or territory exempted by the Minister for the purpose of this clause.*

**(10) This section has effect on December 31, 2019.**

**An Act to Cap Regulated Electricity Rates**

**Amends SA 2017 cC-2.3**

**5(1) *An Act to Cap Regulated Electricity Rates* is amended by this section.**

**(2) Sections 2(1) and (2) and 3 are amended by striking out “May 31, 2021” and substituting “November 30, 2019”.**

*Table 2  
Partial Income Exemptions*

- (a) limited or non-active partnership income;*
- (b) rental income;*
- (c) trust income;*
- (d) non-pension annuity income;*
- (e) investment income.*

*Table 3  
Special Income Exemptions for  
Cohabiting Partners*

- (a) pension income;*
  - (b) income under the Workers' Compensation Act;*
  - (c) income under the Employment Insurance Act (Canada);*
  - (d) income, other than a death benefit, under the Canada Pension Plan (Canada).*
- (10) Coming into force.

### **An Act to Cap Regulated Electricity Rates**

**5(1)** Amends chapter C-2.3 of the Statutes of Alberta, 2017.

(2) Sections 2 and 3 presently read:

*2(1) Notwithstanding any other enactment, during the period beginning on June 1, 2017, and ending on May 31, 2021, an owner whose regulated rate tariff is approved by the Commission pursuant to section 103(2) of the Electric Utilities Act shall determine the electric energy charge using*

- (a) the applicable monthly rate per kWh determined in accordance with the owner's new RRO rate energy price setting plan, or*

**(3) The following is added before section 8:**

**Repeal**

**7.1** This Act is repealed on Proclamation.

**(4) This section has effect on November 30, 2019.**

*(b) the rate of 6.8 cents per kWh if that rate is lower than the rate referred to in clause (a).*

*(2) Notwithstanding any other enactment, during the period beginning on June 1, 2017, and ending on May 31, 2021, an owner whose regulated rate tariff is approved by the council of a municipality or the board of directors of a rural electrification association pursuant to section 103(3) or (4) of the Electric Utilities Act shall determine the electric energy charge using*

*(a) the applicable monthly rate per kWh determined in accordance with the owner's new RRO rate energy price setting plan, or*

*(b) whichever of the following rates applies, if that rate is lower than the rate referred to in clause (a):*

*(i) the applicable rate per kWh, if any, provided for by regulations under section 6(1)(b);*

*(ii) if no applicable rate is provided for by regulations under section 6(1)(b), the rate of 6.8 cents per kWh.*

*3 If regulations are made under section 6(1)(c), during the period beginning on a date specified by the regulations and ending on May 31, 2021, the City of Medicine Hat and a subsidiary of the City of Medicine Hat shall determine the electric energy charge for a customer within a rate class specified in the regulations using*

*(a) the applicable rate per kWh determined by the council of the City of Medicine Hat, or*

*(b) the applicable rate per kWh provided for by the regulations under section 6(1)(c) if that rate is lower than the rate referred to in clause (a).*

**(3) Repeal.**

**(4) Coming into force.**

## Employment Standards Code

Amends RSA 2000 cE-9

**6(1)** The *Employment Standards Code* is amended by this section.

**(2)** Section 1(1)(k) is amended by adding “, but does not include an individual who is a member of a class of individuals excluded by the regulations” **after** “a former employee”.

**(3)** The following is added after section 83:

**When complaints must be refused**

**83.1** An officer shall refuse to accept a complaint made by an employee who is bound by a collective agreement.

**(4)** Section 138 is amended

**(a)** in subsection (1) by adding the following after clause (a.6):

(a.7) restricting the meaning of “employee”, including regulations providing that an individual who is a member of a described class of individuals is not an employee;

**(b)** in subsection (3) by adding “or (a.7)” **after** “subsection (1)(a) to (a.5)” **wherever it appears.**

## Employment Standards Code

6(1) Amends chapter E-9 of the Revised Statutes of Alberta 2000.

(2) Section 1(1) presently reads in part:

*1(1) In this Act,*

*(k) “employee” means an individual employed to do work who receives or is entitled to wages and includes a former employee;*

(3) When complaints must be refused.

(4) Section 138(1) presently reads in part:

*138(1) The Lieutenant Governor in Council may make regulations*

*(a) respecting the exemption of any employment, employer or category of employers from any or all of the provisions of Part 2, conditionally or unconditionally;*

*(a.1) respecting the exemption of any employee or category of employees from any or all of the provisions of Part 2, conditionally or unconditionally;*

*(a.2) respecting the varying or substituting of any provision of Part 2 in respect of any employment, any employer or any employee or any category of employers or employees;*

*(a.3) prescribing the period during which a regulation made pursuant to clause (a), (a.1) or (a.2) applies;*

*(a.4) respecting terms and conditions that may be imposed with respect to an employment, employer or employee or category of employers or employees exempted pursuant to clause (a) or (a.1);*

*(a.5) respecting terms and conditions that may be imposed with respect to the varying or substituting of any provision of Part 2 pursuant to clause (a.2) in respect of any employment, any*

**(5) Subsection (3) has effect on October 28, 2019.**

### **Financial Administration Act**

**Amends RSA 2000 cF-12**

**7(1) The *Financial Administration Act* is amended by this section.**

**(2) Section 5 is amended**

**(a) by adding the following after subsection (1):**

**(1.1)** The Treasury Board may, in writing, delegate to any person, in whole or in part, any power, duty or function provided to the Treasury Board under subsection (1).

**(b) in subsection (2) by adding “, or an action of the Board’s delegate done under subsection (1.1)” after “under subsection (1)”.**

**(3) Section 18(2) is repealed.**

*employer or any employee or any category of employers or employees;*

*(a.6) varying or substituting any provision of Part 2, Divisions 7 to 7.6 to reflect amendments made to the Employment Insurance Act (Canada) or the regulations under that Act that relate to an entitlement or any condition of entitlement under any of those Divisions;*

*(3) A regulation made under subsection (1)(a) to (a.5) and any action or decision taken under or in accordance with the regulations made under subsection (1)(a) to (a.5) apply despite anything in this Act to the contrary, except that no regulation overrides section 2 or 2.1.*

(5) Coming into force.

### **Financial Administration Act**

**7(1)** Amends chapter F-12 of the Revised Statutes of Alberta 2000.

(2) Section 5 presently reads:

*5(1) The Treasury Board may formulate general management policies relating to the business and affairs of the Crown and Provincial agencies and do any acts it considers necessary to ensure that those policies are carried out.*

*(2) The Lieutenant Governor in Council may, by order, amend or revoke an action of the Board done under subsection (1).*

(3) Section 18(2) presently reads:

*(2) The following funds are deemed to be regulated funds in accordance with the terms in the deed by which they were established from the date on which the deed was made:*

*(a) Government of Alberta Dental Plan Trust;*

*(b) Government Employees' Group Extended Medical Benefits Plan Trust.*

**(4) The following is added after section 24:**

**Supply vote for contingencies**

**24.1(1)** If a supply vote authorizes the Minister responsible to defray the several charges and expenses of the Public Service classed as contingencies, no amount of the supply vote shall be used unless the Lieutenant Governor in Council, by order,

- (a) authorizes the Minister responsible to spend all or part of the money indicated in the vote for a purpose identified in the order, or
- (b) transfers all or part of the supply vote to another Minister for administration and authorizes that other Minister to spend all or part of the money indicated in the vote for a purpose identified in the order.

**(2)** The Lieutenant Governor in Council shall not authorize a Minister to spend any money under subsection (1) unless the Lieutenant Governor in Council is of the opinion that the money is required before the end of the fiscal year in respect of

- (a) a public emergency or disaster, or
- (b) an unanticipated cost, the payment of which is in the public interest.

**(3)** An amount authorized to be spent under subsection (1) shall only be used for the purpose for which it was authorized, and on any other terms or conditions determined by the Lieutenant Governor in Council.

**(5) Section 62 is repealed.**

**(6) Section 64 is amended by striking out** “of this Act and section 6 of the *Fiscal Management Act*”.

**(7) The following is added after section 98:**

(4) Supply vote for contingencies.

(5) Section 62 presently reads:

*62 The validity and enforceability of Government securities issued in accordance with this Part is not affected by any non-compliance with the debt limit referred to in section 3 of the Fiscal Planning and Transparency Act.*

(6) Section 64 presently reads:

*64 Subject to sections 56 and 57 of this Act and section 6 of the Fiscal Management Act, the Minister responsible may determine the amount of money to be raised and the manner in which the money is to be raised on behalf of the Crown.*

(7) Collection of debt by set-off.

**Collection of debt by set-off**

**99(1)** Where any amount is owing by a person to the Crown, a Minister who is responsible for making a payment to that person may recover the amount owing to the Crown by way of a deduction from or set-off against that payment.

**(2)** A Minister may exercise the right set out in subsection (1) regardless of how the amount became owing to the Crown.

**(3)** A Minister's exercise of the right under subsection (1) does not relieve a person of the person's obligation to pay any remaining amount owing to the Crown.

**Fiscal Planning and Transparency Act**

**Amends SA 2015 cF-14.7**

**8(1)** The *Fiscal Planning and Transparency Act* is amended by this section.

**(2)** Section 2 is repealed.

**(3)** Section 4 is amended by adding the following after subsection (3):

**(3.1)** The consolidated fiscal plan must include an assessment of the impact of the consolidated fiscal plan on the debt of the Province.

## Fiscal Planning and Transparency Act

8(1) Amends chapter F-14.7 of the Statutes of Alberta, 2015.

(2) Section 2 presently reads:

*2(1) The Contingency Account is continued as an account within the General Revenue Fund.*

*(2) The purpose of the Contingency Account is to provide funding for those years in which actual expense of the Government exceeds actual revenue of the Government.*

*(3) The responsible Minister may allocate, within the General Revenue Fund, amounts to or from the Contingency Account.*

*(4) Instead of allocating surplus revenue to the Contingency Account, the responsible Minister may allocate some or all of surplus revenue to reduce capital borrowing or to increase savings.*

*(5) The balance in the Contingency Account may not be less than zero.*

(3) Section 4 presently reads in part:

*(3) The consolidated fiscal plan must include any major economic assumptions made in preparing the fiscal plan, including a comment on the effect that changes in those assumptions may have on the finances of the Province in the fiscal years to which the plan relates.*

**(4) Section 6 is repealed and the following is substituted:**

**Reports on progress**

**6(1)** Subject to subsection (6), the responsible Minister must, in a form determined by the responsible Minister, on an annual basis, prepare and make public reports in respect of the consolidated fiscal plan in accordance with subsections (2) to (4).

**(2) The first report**

- (a) must be made public on or before August 31, and
- (b) must include
  - (i) an update of the expense and capital plan components of the consolidated fiscal plan for the current fiscal year,
  - (ii) an explanation of the differences between the update under subclause (i) and the expense and capital plan components of the consolidated fiscal plan for the current fiscal year, and
  - (iii) an update of the economic outlook for the current fiscal year set out in the consolidated fiscal plan.

**(3) The 2nd report**

- (a) must be made public on or before November 30, and
- (b) must include an update of the overall fiscal outlook that is reflected in the consolidated fiscal plan.

**(4) The 3rd report**

- (a) must be made public on or before February 28, and
- (b) must include an update of the fiscal outlook for the current fiscal year that is reflected in the consolidated fiscal plan.

**(5)** Subsection (4) is deemed to be complied with if the following year's consolidated fiscal plan, containing the updated fiscal outlook for the current fiscal year, is made public on or before February 28 in the current fiscal year.

**(6)** A reporting requirement in respect of the consolidated fiscal plan under subsections (1) to (4) applies only if the consolidated fiscal plan is made public at least 60 days before the respective report deadline.

(4) Section 6 presently reads:

*6(1) The responsible Minister must, in a form determined by the responsible Minister, make public a report on the accuracy of the consolidated fiscal plan for a fiscal year as follows:*

- (a) with respect to the first 3 months of the fiscal year, on or before August 31 in that year,*
- (b) with respect to the first 6 months of the fiscal year, on or before November 30 in that year, and*
- (c) with respect to the first 9 months of the fiscal year, on or before February 28 in that year.*

*(2) Notwithstanding subsection (1)(b), the responsible Minister is not required to report on the accuracy of the consolidated fiscal plan for the first 6 months of the 2015-16 fiscal year.*

(7) For greater certainty, nothing in this section precludes the responsible Minister from preparing and making public any other report that the responsible Minister considers appropriate or from including in a report under this section any information that the responsible Minister considers appropriate.

**(5) Section 7 is repealed.**

**(6) Section 8(2)(b) is amended by striking out “business plans under section 5(2)” and substituting “strategic plan under section 5(1)”.**

(5) Section 7 presently reads:

*7(1) Not more than 1% of total budgeted operating expense for a fiscal year as set out in the consolidated fiscal plan may be committed for operating expense that was not included in the consolidated fiscal plan for that year.*

*(2) The following are not commitments for the purposes of subsection (1):*

- (a) an increase in operating expense that is required because of a public emergency or disaster declared by the Lieutenant Governor in Council to be a public emergency or disaster for the purpose of this section;*
- (b) an increase in the amount authorized to be spent under a supply vote under section 24(2) of the Financial Administration Act or an increase in any other operating expense that is offset by additional revenue received for the specific purpose of that expense;*
- (c) commitments made in connection with collective bargaining or other negotiations or settlements relating to remuneration;*
- (d) commitments made for the cost of a settlement with a First Nation;*
- (e) with respect to an entity referred to in section 2(5) of the Financial Administration Act, a board under the School Act or a regional health authority under the Regional Health Authorities Act, an increase in operating expenses funded from the unbudgeted drawdown of operating reserves or accumulated surpluses or from unbudgeted additional revenue.*

(6) Section 8(2) presently reads in part:

*(2) The annual report must include*

- (b) a comparison of the actual performance results to the desired results included in the business plans under section 5(2), and an explanation of any significant variances,*

**(7) The following is added after section 8:**

**Annual infrastructure report**

**8.1** The responsible Minister must prepare and make public on or before June 30 of each year an annual infrastructure report that contains

- (a) the actual results for the capital plan set out in the consolidated fiscal plan for the previous fiscal year,
- (b) a comparison of the actual results under clause (a) to the capital plan set out in the consolidated fiscal plan for the previous fiscal year,
- (c) updates on progress on major capital projects and programs, and
- (d) any other information the responsible Minister considers appropriate.

**Income and Employment Supports Act**

**Amends SA 2003 ci-0.5**

**9(1) The *Income and Employment Supports Act* is amended by this section.**

**(2) Section 5.1 is amended**

**(a) in subsection (1)(c) by adding “subject to the Schedule,” before “supplementary income support payments”;**

**(b) by repealing subsection (2) and substituting the following:**

**(2)** The amount of an income support payment referred to in subsection (1)(a) or (b) is as follows:

- (a) subject to clause (b), the amount set out in the Schedule or determined in accordance with the Schedule;
- (b) effective the CPI adjustment date of the CPI adjustment year determined under subsection (2.2)(a), an amount adjusted annually on the CPI adjustment date in accordance with the Schedule.

**(2.1)** The amount of an income support payment referred to in subsection (1)(c) is as follows:

- (a) subject to clause (b), the amount determined in accordance with the Schedule;

- (7) Annual infrastructure report.

### **Income and Employment Supports Act**

- 9(1)** Amends chapter I-0.5 of the Statutes of Alberta, 2003.

- (2) Section 5.1 presently reads in part:

*5.1(1) This section applies to the following income support payments:*

- (a) the core essential payment portion of the core income support payment;*
- (b) the core shelter payment portion of the core income support payment;*
- (c) supplementary income support payments.*

*(2) The amount of an income support payment referred to in subsection (1) is*

- (a) effective January 1, 2019, the amount set out in the Schedule or determined in accordance with the Schedule, and*
- (b) subject to the Schedule, effective January 1, 2020, an amount adjusted annually on the CPI adjustment date in accordance with the Schedule.*

- (b) effective the CPI adjustment date of the CPI adjustment year determined under subsection (2.2)(b), an amount adjusted annually on the CPI adjustment date in accordance with the Schedule.

**(2.2)** The Lieutenant Governor in Council may by regulation determine the CPI adjustment year effective which

- (a) an income support payment referred to in subsection (1)(a) or (b) is to be adjusted under subsection (2)(b), and
- (b) an income support payment referred to in subsection (1)(c) is to be adjusted under subsection (2.1)(b).

**(3) Section 18(a.2) is amended by adding “and CPI adjustment years” after “CPI adjustment dates”.**

**(4) The Schedule is amended**

- (a) in section 2 by striking out “under section 5.1(2)(b) of this Act must be adjusted” and substituting “under section 5.1(2)(b) or 5.1(2.1)(b) of this Act must be adjusted annually”;**
- (b) in section 6**
  - (i) in clause (a) by striking out “for the 2019 CPI adjustment year” and substituting “under section 5.1(2)(a) of this Act”;**
  - (ii) in clause (b) by striking out “for the 2020 CPI adjustment year and subsequent CPI adjustment years” and substituting “under section 5.1(2)(b) of this Act”;**
- (c) in section 7**
  - (i) in clause (a) by striking out “for the 2019 CPI adjustment year” and substituting “under section 5.1(2)(a) of this Act”;**
  - (ii) in clause (b) by striking out “for the 2020 CPI adjustment year and subsequent CPI adjustment years” and substituting “under section 5.1(2)(b) of this Act”;**
- (d) in the heading preceding Table 1 by striking out “for the 2019 CPI Adjustment Year” and substituting “under Section 5.1(2)(a) of this Act”;**

(3) Section 18 presently reads in part:

*18 The Lieutenant Governor in Council may make regulations*

*(a.2) respecting CPI adjustment dates;*

(4) The Schedule presently reads in part:

*2 Subject to the regulations, an income support payment that is to be adjusted under section 5.1(2)(b) of this Act must be adjusted by an amount equal to*

*(a) the amount of the income support payment for the previous CPI adjustment year, including any increase to that amount made under the regulations,*

*multiplied by*

*(b) the change in the Alberta CPI determined in accordance with section 3.*

*6 The maximum monthly core essential payment that may be provided to a barriers to full employment household unit or an expected to work or working household unit is*

*(a) for the 2019 CPI adjustment year,*

*(i) if subclauses (ii) to (iv) do not apply, the amount determined under Table 1,*

*(ii) if subclause (iii) or (iv) does not apply and the Director determines that a household unit's need for the core*

- (e) in section 8
  - (i) in clause (a) by striking out “for the 2019 CPI adjustment year” and substituting “under section 5.1(2)(a) of this Act”;
  - (ii) in clause (b) by striking out “for the 2020 CPI adjustment year and subsequent CPI adjustment years” and substituting “under section 5.1(2)(b) of this Act”;
- (f) in section 9
  - (i) in clause (a) by striking out “for the 2019 CPI adjustment year” and substituting “under section 5.1(2)(a) of this Act”;
  - (ii) in clause (b) by striking out “for the 2020 CPI adjustment year and subsequent CPI adjustment years” and substituting “under section 5.1(2)(b) of this Act”;
- (g) in the heading preceding Table 2 by striking out “for the 2019 CPI Adjustment Year” and substituting “under Section 5.1(2)(a) of this Act”;
- (h) in section 10
  - (i) in subsection (2)
    - (A) in clause (a) by striking out “for the 2019 CPI adjustment year” and substituting “under section 5.1(2.1)(a) of this Act”;
    - (B) in clause (b) by striking out “for the 2020 CPI adjustment year and subsequent CPI adjustment years” and substituting “under section 5.1(2.1)(b) of this Act”;
  - (ii) in subsection (3) by striking out “Section 5.1(2)(b)” and substituting “Section 5.1(2.1)(b)”.

*essential payment is limited to food, an amount determined by the Minister,*

*(iii) if an adult member of the household unit is living in one of the following, \$322 for each adult member:*

*(A) a hospital or nursing home;*

*(B) the McCullough Centre;*

*(C) a recognized emergency shelter for persons escaping abuse;*

*(D) an institution similar to the institutions in paragraphs (A) to (C) that is designated by the Minister under the regulations, and*

*(iv) if an adult member of the household unit is living in an approved home or a group home, the amount for each adult member as determined by the Minister,*

*and*

*(b) for the 2020 CPI adjustment year and subsequent CPI adjustment years,*

*(i) if subclauses (ii) to (iv) do not apply, an amount adjusted in accordance with section 2,*

*(ii) if subclause (iii) or (iv) does not apply and the Director determines that a household unit's need for the core essential payment is limited to food, an amount determined by the Minister, adjusted in accordance with section 2,*

*(iii) if an adult member of the household unit is living in one of the following, an amount for each adult member, adjusted in accordance with section 2:*

*(A) a hospital or nursing home;*

*(B) the McCullough Centre;*

*(C) a recognized emergency shelter for persons escaping abuse;*



- (D) an institution similar to the institutions in paragraphs (A) to (C) that is designated by the Minister, and*
- (iv) if an adult member of the household unit is living in an approved home or a group home, an amount for each adult member determined by the Minister, adjusted in accordance with section 2.*

*7 The maximum monthly core essential payment that may be provided to a learner household unit is*

- (a) for the 2019 CPI adjustment year, the amount determined under Table 1, and*
- (b) for the 2020 CPI adjustment year and subsequent CPI adjustment years, an amount adjusted in accordance with section 2.*

*[Table 1 omitted]*

*8 The maximum monthly core shelter payment that may be provided to a barriers to full employment household unit or an expected to work or working household unit is*

- (a) for the 2019 CPI adjustment year,*
  - (i) if subclauses (iii) to (vi) do not apply, and the household unit lives in private housing, the amount determined under Table 2,*
  - (ii) if subclauses (iii) to (vi) do not apply, and the household unit lives in social housing, the amount determined under Table 3,*
  - (iii) if the household unit lives in an approved home, \$511,*
  - (iv) if the household unit lives in a hospital or nursing home, the monthly accommodation charge for that facility under the Hospitals Act or the Nursing Homes Act,*
  - (v) if the household unit lives in a shared family residence that is not owned by an adult member of the unit or in which an adult member of the unit is not a party to a residential tenancy agreement with a third party, \$103, and*



(vi) *if the household unit lives in a group home, \$435 for each adult member,*

*and*

(b) *for the 2020 CPI adjustment year and subsequent CPI adjustment years,*

(i) *if subclauses (iii) to (vi) do not apply, and the household unit lives in private housing, an amount adjusted in accordance with section 2,*

(ii) *if subclauses (iii) to (vi) do not apply, and the household unit lives in social housing, the amount determined under Table 3,*

(iii) *if the household unit lives in an approved home, an amount adjusted in accordance with section 2,*

(iv) *if the household unit lives in a hospital or nursing home, the monthly accommodation charge for that facility under the Hospitals Act or the Nursing Homes Act,*

(v) *if the household unit lives in a shared family residence that is not owned by an adult member of the unit or in which an adult member of the unit is not a party to a residential tenancy agreement with a third party, an amount adjusted in accordance with section 2, and*

(vi) *if the household unit lives in a group home, an amount adjusted in accordance with section 2.*

9 *The maximum monthly core shelter payment that may be provided to a learner household is*

(a) *for the 2019 CPI adjustment year,*

(i) *if the household unit lives in private housing, the amount determined under Table 2,*

(ii) *if the household unit lives in social housing, the amount determined under Table 3, and*

(iii) *if the household unit lives in a shared family residence that is not owned by an adult member of the unit or in which an adult member of the unit is not a party to a residential tenancy agreement with a third party, \$103,*

**(5) This section has effect on December 31, 2019.**

*and*

- (b) for the 2020 CPI adjustment year and subsequent CPI adjustment years,*
  - (i) if the household unit lives in private housing, an amount adjusted in accordance with section 2,*
  - (ii) if the household unit lives in social housing, an amount determined under Table 3, and*
  - (iii) if the household unit lives in a shared family residence that is not owned by an adult member of the unit or in which an adult member of the unit is not a party to a residential tenancy agreement with a third party, an amount adjusted in accordance with section 2.*

*[Table 2 omitted]*

*10(1) The Minister may determine the amount or value of a supplementary income support payment or allowance and the frequency with which the payment or allowance may be provided.*

*(2) The amount of a supplementary income support payment or allowance is*

- (a) for the 2019 CPI adjustment year, the amount determined by the Minister, and*
- (b) for the 2020 CPI adjustment year and subsequent CPI adjustment years, an amount adjusted in accordance with section 2, subject to subsection (3) of this section.*

*(3) Section 5.1(2)(b) of this Act does not apply to a supplementary income support payment or allowance that is*

- (a) a reimbursement of an actual cost,*
- (b) an amount established in an agreement entered into by the Minister, or*
- (c) based on an amount that is determined under another enactment or under a Government program.*

*(5) Coming into force.*

## Labour Relations Code

Amends RSA 2000 cL-1

**10(1)** The *Labour Relations Code* is amended by this section.

**(2)** Section 95.11(1) is amended by adding the following after clause (e):

- (f) “replacement worker” means a person, whether paid or not, who
  - (i) is hired by an employer, or
  - (ii) is supplied to an employer by another person,for the purpose of performing the work of an employee in the bargaining unit during a strike or lockout.

**(3)** The following is added after section 95.2:

### Replacement workers

**95.201(1)** Subject to subsection (8), within a reasonable time after the parties are required to begin negotiations for an essential services agreement under section 95.4(1), an employer shall elect to use the services of either designated essential services workers or replacement workers to perform essential services during a strike or lockout.

**(2)** An employer who elects to use the services of designated essential services workers to perform essential services shall only use the services of the following to perform essential services during a strike or lockout:

- (a) designated essential services workers;
  - (b) capable and qualified persons who are neither members of the bargaining unit nor replacement workers.
- (3)** An employer
- (a) who elects to use the services of replacement workers shall apply to the Commissioner for an order granted under section 95.21(2), or

## Labour Relations Code

**10(1)** Amends chapter L-1 of the Revised Statutes of Alberta 2000.

(2) Section 95.11(1) presently reads:

*95.11(1) In this Division,*

- (a) “designated essential services worker” means an employee described in subsection (2);*
- (b) “employee” means an employee referred to in section 95.2;*
- (c) “employer” means an employer referred to in section 95.2;*
- (d) “essential services” means those services described in section 95.1;*
- (e) “party” means either an employer or the bargaining agent for a bargaining unit of the employer’s employees.*

(3) Replacement workers.

(b) who elects to use the services of designated essential services workers shall begin negotiations for an essential services agreement.

(4) An employer shall notify the bargaining agent in writing of the employer's election.

(5) An employer may change an election only if the Commissioner has not granted an order under section 95.21(2).

(6) A bargaining agent may make a complaint in writing to the Commissioner that an employer has failed to comply with this section, and the Commissioner shall inquire into the complaint.

(7) When the Commissioner is satisfied after an inquiry that an employer has failed to comply with this section, the Commissioner may do the following:

- (a) issue a directive directing the employer to comply with this section;
- (b) require the employer to begin negotiations for an essential services agreement.

(8) An employer is not required to make an election under this section if

- (a) the employees of the employer that are in the bargaining unit represented by the bargaining agent do not perform essential services, or
- (b) the employer intends to maintain essential services during a strike or lockout by using the services of other capable and qualified persons who are neither members of the bargaining unit nor replacement workers.

**(4) Section 95.21 is amended**

**(a) in subsection (1) by striking out “sections 95.4 to 95.8” and substituting “sections 95.4 to 95.44 and 95.5 to 95.8”;**

**(b) in subsection (2)(b)**

**(i) by adding “, including replacement workers,” after “other capable and qualified persons”;**

**(ii) by striking out “and who are not hired or supplied as described in section 95.41(3)”;**

**(c) by repealing subsection (4) and substituting the following:**

(4) Section 95.21 presently reads in part:

*95.21(1) At any time, whether or not the parties have an essential services agreement, either or both parties may apply to the Commissioner for an order exempting the employer and the bargaining agent for a bargaining unit from the application of sections 95.4 to 95.8.*

*(2) The Commissioner may grant the order if*

*(b) the employees in the bargaining unit represented by the bargaining agent perform essential services and those services can be maintained during a strike or lockout by other capable and qualified persons who are not employees*

**(4)** The Commissioner may by order, on application of either or both of the parties, rescind the order granted under subsection (2) if

- (a) the circumstances that led to the granting of the order have significantly changed, or
- (b) a strike or lockout has commenced and the employer is unable to maintain essential services.

**(d) in subsection (5) by repealing clause (b) and substituting the following:**

- (b) if a strike or lockout has commenced,
  - (i) forthwith give directions to ensure that essential services are maintained during the strike or lockout,
  - (ii) prescribe the number and composition of members of the bargaining unit or replacement workers, or both, to be used to perform essential services during a strike or lockout, or
  - (iii) declare that the dispute is to be resolved by compulsory arbitration in accordance with section 95.45 if the parties cannot reach a collective agreement, where the Commissioner is satisfied that the order will substantially interfere with meaningful collective bargaining,

or

**(5) Section 95.3(2) is amended by striking out “and” at the end of clause (g) and by adding the following after clause (h):**

- (i) a person is a replacement worker,
- (j) an employer has made an election, and
- (k) an employer is using the services of a replacement worker contrary to section 95.201,

*in the bargaining unit and who are not hired or supplied as described in section 95.41(3).*

*(4) The Commissioner may, on application of either or both of the parties, rescind the order if the circumstances that led to the granting of the order have significantly changed.*

*(5) In making an order under subsection (4), the Commissioner may*

- (a) direct the parties to begin negotiations for an essential services agreement under section 95.4,*
- (b) if a strike or lockout has commenced, forthwith give directions to ensure that essential services are maintained during the strike or lockout, or*
- (c) provide any other directions as are appropriate in the circumstances.*

(5) Section 95.3(2) presently reads:

*(2) The Commissioner may, for the purposes of this Division, decide whether*

- (a) a person is an employee,*
- (b) a person is an employer,*
- (c) a person is a designated essential services worker,*
- (d) an essential services agreement has been entered into, amended or terminated,*
- (e) a person is bound by an essential services agreement,*
- (f) a person is a party to an essential services agreement,*

**(6) Section 95.4(2) is amended by adding “, unless the other party has elected to use replacement workers under section 95.201(1)” after “regarding an essential services agreement”.**

**(7) Section 95.41 is amended**

**(a) by repealing subsection (2) and substituting the following:**

**(2)** For the purposes of this section, the requirement for designated essential services workers is to be determined having regard to the availability of other capable and qualified persons who are neither members of the bargaining unit nor replacement workers.

**(b) by repealing subsection (3).**

**(8) Section 95.45 is amended in subsections (2), (3) and (4) by adding “or section 95.21(5)(b)(iii)” after “subsection (1)”.**

*(g) an essential services agreement is in effect, and*

*(h) a service is an essential service,*

*and the Commissioner's decision is final and binding.*

(6) Section 95.4(2) presently reads:

*(2) Forthwith after giving the notice to begin the negotiations, the party must provide the other party with its proposals regarding an essential services agreement.*

(7) Section 95.41 presently reads in part:

*(2) For the purposes of this section, the requirement for designated essential services workers is to be determined having regard, subject to subsection (3), to the availability of other capable and qualified persons who are not members of the bargaining unit.*

*(3) During a strike or lockout, the employer shall not use the services of a person, whether paid or not,*

*(a) who is hired by the employer for the purpose of, or*

*(b) who is supplied to the employer by another person for the purpose of,*

*performing the work of an employee in the bargaining unit that is on strike or lockout.*

(8) Section 95.45 presently reads in part:

*(2) If the Commissioner makes a declaration under subsection (1), the parties may, as applicable,*

*(a) request the Minister to establish a compulsory arbitration board under section 98.1, or*

*(b) request the Board under section 31(1) of the Public Service Employee Relations Act to establish a compulsory arbitration board.*

*(3) If the Commissioner makes a declaration under subsection (1), any strike or lockout becomes illegal and an offence under this Act, and*

*(a) no employer who is a party to the dispute shall lock out,*

**(9) Section 95.9 is amended by striking out “and 95.92” and substituting “, 95.92 and 95.93”.**

**(10) The following is added after section 95.92:**

**Transitional — essential services agreements**

**95.93(1)** Subject to subsection (2), if before the day on which the Bill to enact the *Ensuring Fiscal Sustainability Act, 2019* receives first reading

- (a) an essential services agreement has been accepted for filing by the Commissioner, and
- (b) no collective agreement has been entered into as a result of the round of collective bargaining for which the essential services agreement was accepted for filing,

the essential services agreement and the parties are subject to this Division as it read immediately before the coming into force of this section.

**(2)** The parties may agree in writing that this Division as it reads on the coming into force of this section applies to the essential services agreement and the parties as of the date of the agreement.

**(3)** A party referred to in subsection (1) may apply to the Commissioner for a determination respecting the interpretation or application of this section, and the Commissioner’s decision is final and binding.

- (b) no employees who are parties to the dispute shall strike,*
- (c) any strike or lockout that is in effect is terminated, and*
- (d) the relationship of employer and employee continues uninterrupted by the dispute or anything arising from the dispute.*

*(4) If the Commissioner makes a declaration under subsection (1), notwithstanding anything in this Act or the Public Service Employee Relations Act, neither party to the dispute shall alter any of the terms and conditions of employment that existed immediately prior to the dispute, except that the employer, with the consent of the bargaining agent, may give effect to a proposed change in wages or hours of work.*

(9) Section 95.9 presently reads:

*95.9 Sections 95.91 and 95.92 apply only to employers, employees and bargaining agents referred to in section 95.2.*

(10) Transitional — essential services agreements.

## Police Act

Amends RSA 2000 cP-17

**11(1)** The *Police Act* is amended by this section.

**(2)** Section 4 is amended

**(a)** by repealing subsection (1) and substituting the following:

**Responsibility for providing policing services**

**4(1)** As part of providing provincial policing services generally,

- (a) every municipal district and, subject to subsection (6), a specialized municipality, and
- (b) every town, village and summer village that has a population that is not greater than 5000,

shall, subject to subsection (3), receive general policing services provided by the provincial police service and shall pay a cost for these services if required by the regulations.

**(b)** by adding the following after subsection (1):

**(1.1)** As part of providing provincial policing services generally, every Metis settlement shall, subject to subsection (3), receive general policing services provided by the provincial police service at no direct cost to the Metis settlement.

**(c)** in subsection (2)

- (i)** by striking out “Notwithstanding subsection (1)” and substituting “Notwithstanding subsections (1) and (1.1)”;
- (ii)** by striking out “referred to in subsection (1)” and substituting “referred to in subsection (1) or (1.1)”;

**(d)** in subsection (3) by striking out “Subsection (1) does” and substituting “Subsections (1) and (1.1) do”.

**(3)** Section 62(1) is amended by adding the following after clause (i):

- (j) establishing a cost that a municipal district, specialized municipality, town, village or summer village shall pay for receiving general policing services provided by the provincial police service, including terms and conditions relating to the cost or payment.

## Police Act

**11(1)** Amends chapter P-17 of the Revised Statutes of Alberta 2000.

(2) Section 4 presently reads in part:

*4(1) As part of providing provincial policing services generally,*

- (a) every municipal district and Metis settlement and, subject to subsection (6), a specialized municipality, and*
- (b) every town, village and summer village that has a population that is not greater than 5000,*

*shall, subject to subsection (3), receive general policing services provided by the provincial police service at no direct cost to the town, village, summer village, municipal district or Metis settlement.*

*(2) Notwithstanding subsection (1), a municipality referred to in subsection (1) may, for the purpose of providing policing services specifically for the municipality, do one of the following:*

- (a) engage the provincial police service as a municipal police service under section 22(1);*
- (b) enter into an agreement for the provision of municipal policing services under section 22(3);*
- (c) establish a regional police service under section 24;*
- (d) establish a municipal police service under section 27.*

*(3) Subsection (1) does not apply to a municipality while it is receiving municipal policing services pursuant to subsection (2).*

(3) Section 62(1) presently reads in part:

*62(1) The Minister may make regulations*

- (i) for the purposes of section 42.1(4)(g), prescribing information that must be included in a complaint.*

## **Post-secondary Learning Act**

**Amends SA 2003 cP-19.5**

**12(1) The *Post-secondary Learning Act* is amended by this section.**

**(2) Section 61 is amended by adding the following after subsection (3):**

**(3.1)** The limitations on increasing tuition fees described in subsection (3) do not apply with respect to the 2020-2021, 2021-2022 and 2022-2023 academic years, and the board may increase the tuition fees to be paid by domestic students in relation to these years in accordance with any restrictions on increasing tuition fees set out in the regulations.

**(3) Section 61.01 is amended by adding the following after subsection (3):**

**(4)** The limitations on increasing apprenticeship instructional fees and apprenticeship material and service fees described in subsection (3) do not apply with respect to the 2020-2021, 2021-2022 and 2022-2023 academic years, and the Minister may increase apprenticeship instructional fees or apprenticeship material and service fees in relation to these years in accordance with any restrictions on increasing apprenticeship instructional fees and apprenticeship material and service fees set out in the regulations.

## Post-secondary Learning Act

**12(1)** Amends chapter P-19.5 of the Statutes of Alberta, 2003.

(2) Section 61 presently reads in part:

*(3) In setting the tuition fees for an academic year, the board may increase the tuition fees to be paid by domestic students, subject to any restrictions on increasing tuition fees set out in the regulations,*

*(a) if the average tuition fee increase per domestic student does not exceed the product of*

*(i) the average tuition fees per domestic student in the preceding academic year, excluding any tuition fees that were subject to an exceptional tuition fee increase in that year,*

*multiplied by*

*(ii) the percentage annual change in the Alberta CPI, determined in accordance with the regulations,*

*or*

*(b) in respect of a specific approved program of study, by means of an exceptional tuition fee increase made in accordance with the regulations*

(3) Section 61.01 presently reads in part:

*(3) In setting the apprenticeship instructional fees and the apprenticeship material and service fees for an academic year the Minister may increase apprenticeship instructional fees or apprenticeship material and service fees, subject to any restrictions on increasing apprenticeship instructional fees or apprenticeship material and service fees set out in the regulations,*

*(a) by a percentage amount that does not exceed the percentage annual change in the Alberta CPI, determined in accordance with the regulations, or*

*(b) by means of an exceptional apprenticeship fee increase made in accordance with the regulations.*

**(4) Section 124 is amended**

- (a) in clause (b.1)(iii) by adding “or increasing” after “setting”;**
- (b) by repealing clause (b.2).**

**Provincial Offences Procedure Act**

**Amends RSA 2000 cP-34**

**13(1) The *Provincial Offences Procedure Act* is amended by this section.**

**(2) Section 14(3) is amended by adding “or to fund programs that support or improve the administration of justice or government initiatives” after “arising under any enactment”.**

(4) Section 124 presently reads in part:

*124 The Lieutenant Governor in Council may make regulations*

*(b.1) respecting apprenticeship instructional fees and apprenticeship material and service fees, including regulations*

*(iii) respecting the requirements or restrictions that must be complied with when setting apprenticeship instructional fees and apprenticeship material and service fees;*

*(b.2) respecting executive graduate programs, including regulations*

*(i) respecting the criteria for designating an approved graduate level program as an executive graduate program and the rescinding of designations;*

*(ii) respecting tuition fee revenue from executive graduate level programs and the allocation of excess tuition fee revenue from such programs;*

*(iii) respecting the disclosure of information about the allocation of excess tuition fee revenue from executive graduate programs;*

### **Provincial Offences Procedure Act**

**13(1)** Amends chapter P-34 of the Revised Statutes of Alberta 2000.

(2) Section 14(3) presently reads:

*(3) Where, under an enactment,*

*(a) the Crown in right of Alberta collects an amount of money in respect of a penalty, fine or sum of money payable under the enactment or the proceeds of a forfeiture, and*

*(b) the amount collected by the Crown does not belong to the Crown in right of Alberta,*

*the Crown in right of Alberta may, notwithstanding any Act and subject to the regulations, retain a portion of that amount to offset*

## **Public Sector Employees Act**

### **Enacts SA 2019 cP-40.7**

**14** The *Public Sector Employers Act* as set out in the Schedule is enacted and may be cited as chapter P-40.7 of the Statutes of Alberta, 2019.

## **Public Service Act**

### **Amends RSA 2000 cP-42**

**15(1)** The *Public Service Act* is amended by this section.

**(2)** The following is added after section 25:

### **Termination**

#### **Notice of termination and severance pay**

**25.01(1)** In this section,

- (a) “base salary” means one half of the employee’s regular biweekly rate of pay at the time of termination;
- (b) “continuous service” means the last period of employment that is not interrupted by a break in service.

**(2)** This section does not apply to

- (a) an employee who is a member of a bargaining unit under the *Public Service Employee Relations Act*, or
- (b) an employee who
  - (i) holds a position excluded from a classification plan pursuant to section 11, and
  - (ii) is employed under a contract of employment that specifies the notice of termination, severance payments or combination thereof to which the employee is entitled on termination of employment.

*the expenses incurred by the Crown with respect to the collecting of penalties, fines, sums of money or forfeitures arising under any enactment, and that portion that is retained by the Crown belongs to the Crown in right of Alberta and shall be deposited in the General Revenue Fund.*

### **Public Sector Employees Act**

**14** Enacts chapter P-40.7 of the Statutes of Alberta, 2019.

### **Public Service Act**

**15(1)** Amends chapter P-42 of the Revised Statutes of Alberta 2000.

(2) Termination.

(3) Notwithstanding any right existing at common law, an employee who is terminated without cause is entitled to a period of notice of termination no greater than the following:

- (a) where the employee has less than one year of continuous service, 2 weeks;
- (b) where the employee has one or more years of continuous service, 4 weeks for every full year of continuous service up to a maximum of 78 weeks.

(4) Subject to subsection (6), an employee who is terminated without cause may be provided severance pay, determined in accordance with subsection (5), in lieu of all or any portion of the period of notice of termination to which the employee is entitled under subsection (3).

(5) The amount of severance pay that may be provided under subsection (4) is the amount determined by the formula

$$1.16 \times A \times B$$

where

- A is the employee's base salary;
- B is the number of weeks for which severance pay is to be provided in lieu of notice of termination.

(6) No severance pay shall be provided under subsection (4) without the approval of the Commissioner and the Deputy Attorney General.

(7) The Deputy Attorney General may delegate to any person the authority to approve the provision of severance pay under subsection (6).

(8) Where there is a conflict between this section and section 54 of the *Employment Standards Code*, this section prevails.

#### **Repayment**

**25.02(1)** Where an employee who has received severance pay becomes employed with either the Crown in right of Alberta or a public agency to which the *Alberta Public Agencies Governance Act* applies during the period of notice to which the employee is entitled under section 25.01(3), the employee shall repay the portion of the severance pay attributable to the period starting on the day the employee becomes employed with the Crown or the public agency and ending at the end of the period of notice.



(2) An amount required to be repaid under subsection (1) is a debt due the Crown in right of Alberta and may be recovered by the Crown by action or by withholding the amount to be repaid from any salary or other money that would otherwise be payable by the Crown to the employee.

**No constructive dismissal or breach of contract**

**25.03** Neither the enactment or application of this section and sections 25.01, 25.02, 25.04 and 25.05 nor changes to the compensation that is payable to an employee as a result of those sections shall be considered constructive dismissal or breach of contract.

**No cause of action**

**25.04(1)** No cause of action or proceeding lies or shall be commenced against the Crown or any of its ministers, agents, appointees or employees

- (a) as a direct or indirect result of the enactment of this section and sections 25.01 to 25.03 and 25.05, or
- (b) as a direct or indirect result of anything done or omitted to be done in order to comply with this section and sections 25.01 to 25.03 and 25.05, including any denial or reduction of compensation that would otherwise have been payable to any person.

(2) Without limiting the generality of subsection (1), that subsection applies to an action or proceeding in contract, restitution, tort, trust, fiduciary obligation or otherwise claiming any remedy or relief, including

- (a) specific performance, injunction or declaratory relief, and
- (b) any form of damages or a claim to be compensated for any losses, including loss of earnings, loss of revenue or loss of profit.

**No entitlement to compensation**

**25.05** Notwithstanding any other law, no person is entitled to be compensated for any loss or damages, including loss of expected earnings or denial or reduction of compensation that would otherwise have been payable to any person, arising from the enactment or application of this section and sections 25.01 to 25.04, or anything done in accordance with those sections.



## **Public Service Employee Relations Act**

**Amends RSA 2000 cP-43**

**16(1) The *Public Service Employee Relations Act* is amended by this section.**

**(2) Section 12 is amended**

**(a) in subsection (1) by adding the following after clause (e):**

(e.1) subject to subsection (1.1), in a position classified under the *Public Service Act* as

(i) a budget officer,

(ii) a systems analyst, or

(iii) an auditor,

or performing for an employer substantially similar duties to a person employed in any of those positions,

**(b) by adding the following after subsection (1):**

**(1.1)** Subsection (1)(e.1) applies in respect of a person as of the date prescribed in the regulations for the person's employer or class of employer.

**(1.2)** The Lieutenant Governor in Council may make regulations prescribing employers, classes of employers and dates for the purposes of subsection (1.1).

## **Seniors Benefit Act**

**Amends RSA 2000 cS-7**

**17(1) The *Seniors Benefit Act* is amended by this section.**

**(2) Section 2.1 is amended**

**(a) in subsection (3)**

(i) **in clause (a) by striking out "effective January 1, 2019" and substituting "subject to clause (b)";**

(ii) **by repealing clause (b) and substituting the following:**

## **Public Service Employee Relations Act**

**16(1)** Amends chapter P-43 of the Revised Statutes of Alberta 2000.

(2) Section 12(1) presently reads in part:

*12(1) A person employed by an employer*

*(e) as an officer under the Labour Relations Code dealing with any matter related to collective bargaining under that Act,*

*shall not be included in a bargaining unit or any other unit for collective bargaining.*

## **Seniors Benefit Act**

**17(1)** Amends chapter S-7 of the Revised Statutes of Alberta 2000.

(2) Section 2.1 presently reads in part:

*(3) The maximum annual cash benefit referred to in section 4 of the Schedule and the maximum annual supplementary accommodation assistance component referred to in section 5 of the Schedule are*

*(a) effective January 1, 2019, the amounts set out in the Schedule, and*

- (b) effective the CPI adjustment date of the CPI adjustment year determined by the Lieutenant Governor in Council under section 2.4, an amount adjusted annually in accordance with the Schedule.

**(b) in subsection (4)**

- (i) **in clause (a) by striking out** “effective January 1, 2019” **and substituting** “subject to clause (b)”;
- (ii) **in clause (b) by striking out** “effective the 2019 accommodation adjustment date” **and substituting** “effective the accommodation adjustment date of each accommodation adjustment year”;

**(c) in subsection (5)**

**(i) in clause (a)**

- (A) in subclause (i) by striking out** “effective January 1, 2019” **and substituting** “subject to clause (b)”;

**(B) by repealing subclause (ii) and substituting the following:**

- (ii) effective the CPI adjustment date of the CPI adjustment year determined by the Lieutenant Governor in Council under section 2.4, an amount adjusted annually in accordance with the Schedule,

**(ii) in clause (b)**

- (A) in subclause (i) by striking out** “effective January 1, 2019” **and substituting** “subject to clause (b)”;

- (B) in subclause (ii) by striking out** “effective the 2019 accommodation adjustment date” **and substituting** “effective the accommodation adjustment date of each accommodation adjustment year”.

**(3) Section 2.2 is amended**

**(a) in subsection (2)**

- (i) **in clause (a) by striking out** “effective the 2018 benefit adjustment date” **and substituting** “subject to clause (b)”;

**(ii) by repealing clause (b) and substituting the following:**

*(b) effective January 1, 2020, the amounts adjusted annually on the CPI adjustment date in accordance with the Schedule.*

*(4) The amount of a supplementary accommodation assistance component under section 5 of the Schedule is determined in accordance with the Schedule and is*

*(a) effective January 1, 2019, the amount set out in the Schedule, and*

*(b) effective the 2019 accommodation adjustment date, an amount adjusted each accommodation adjustment year in accordance with the Schedule.*

*(5) The amount of a supplementary accommodation assistance component under section 7 of the Schedule is determined in accordance with the Schedule and includes*

*(a) a monthly disposable income amount, which is*

*(i) effective January 1, 2019, the amount set out in the Schedule, and*

*(ii) effective January 1, 2020, an amount adjusted annually on the CPI adjustment date in accordance with the Schedule,*

*and*

*(b) an accommodation charge portion, which is*

*(i) effective January 1, 2019, the amount set out in the Schedule, and*

*(ii) effective the 2019 accommodation adjustment date, an amount adjusted each accommodation adjustment year in accordance with the Schedule.*

*(3) Section 2.2 presently reads in part:*

*(2) The non-deductible income amount used to calculate eligibility for the discontinuous special needs component of a benefit is*

*(a) effective the 2018 benefit adjustment date, the amount set out in the Schedule, and*

- (b) effective the benefit adjustment date of each benefit adjustment year, an amount adjusted annually in accordance with the Schedule.

**(b) by adding the following after subsection (2):**

**(2.1)** The amounts used to determine eligibility for a discontinuous special needs component of a benefit are

- (a) subject to clause (b), the amount set out in the Schedule, and
- (b) effective the benefit adjustment date of each benefit adjustment year, an amount adjusted annually in accordance with the Schedule.

**(c) in subsection (3)**

**(i) in clause (a) by striking out “effective January 1, 2019” and substituting “subject to clause (b)”;**

**(ii) by repealing clause (b) and substituting the following:**

- (b) effective the CPI adjustment date of the CPI adjustment year determined by the Lieutenant Governor in Council under section 2.4, an amount adjusted annually in accordance with the Schedule.

**(d) in subsection (5)**

**(i) in clause (a) by striking out “effective January 1, 2019” and substituting “subject to clause (b)”;**

**(ii) by repealing clause (b) and substituting the following:**

- (b) effective the CPI adjustment date of the CPI adjustment year determined by the Lieutenant Governor in Council under section 2.4, an amount adjusted annually in accordance with the Schedule.

**(4) The following is added after section 2.3:**

**Power to initiate CPI adjustments**

**2.4** The Lieutenant Governor in Council may by regulation determine the CPI adjustment year effective which

- (a) the maximum annual cash benefit and the maximum annual supplementary accommodation assistance component of a benefit under section 2.1(3)(b),

*(b) effective the 2019 benefit adjustment date, an amount adjusted annually on the benefit adjustment date in accordance with the Schedule.*

*(3) The maximum amount of a discontinuous special needs component of a benefit is*

*(a) effective January 1, 2019, the amount set out in the Schedule, and*

*(b) effective January 1, 2020, an amount adjusted annually on the CPI adjustment date in accordance with the Schedule.*

*(5) Subject to the Schedule and the regulations, the maximum amount that may be paid for a primary or secondary funded item under the discontinuous special needs component of a benefit is*

*(a) effective January 1, 2019, an amount adjusted in accordance with the Schedule based on the change in the Alberta CPI, and*

*(b) effective January 1, 2020, an amount adjusted annually on the CPI adjustment date in accordance with the Schedule.*

(4) Power to initiate CPI adjustments.

- (b) the monthly disposable income amount of the supplementary accommodation assistance component of a benefit under section 2.1(5)(a)(ii),
- (c) the maximum amount of a discontinuous special needs component of a benefit under section 2.2(3)(b), and
- (d) the maximum amount that may be paid for a primary or secondary funded item under the discontinuous special needs component of a benefit under section 2.2(5)(b),

are to be adjusted.

**(5) Section 6 is amended**

**(a) by renumbering clause (a) as clause (a.1) and adding the following before clause (a.1):**

- (a) respecting the types of benefits that may be paid;
- (b) **in clause (b) by adding** “and the method by which the amount of the benefit is calculated” **after** “paid to a beneficiary”;
- (c) **in clause (b.2) by striking out** “and CPI adjustment dates” **and substituting** “, CPI adjustment dates and CPI adjustment years”;
- (d) **by repealing clause (c) and substituting the following:**
  - (c) respecting the payment of a benefit, including the retroactive payment of a benefit;

**(6) The Schedule is amended**

**(a) by repealing section 2 and substituting the following:**

**Calculation of CPI adjusted benefit amounts**

**2** Subject to the regulations, a benefit or an amount used to calculate a benefit or eligibility for a benefit that is to be adjusted under section 2.1(3)(b) or (5)(a)(ii) or 2.2(3)(b) or (5)(b) of this Act must be adjusted by an amount equal to

- (a) the benefit amount or amount for the previous CPI adjustment year, including any increase to that amount made under this Act or the regulations,  
multiplied by
- (b) the change in the Alberta CPI determined in accordance with section 3.

(5) Section 6 presently reads in part:

*6 The Lieutenant Governor in Council may make regulations*

- (a) respecting eligibility for receipt of a benefit;*
- (b) respecting the amount of a benefit that may be paid to a beneficiary;*
- (b.2) respecting accommodation adjustment dates, benefit adjustment dates and CPI adjustment dates;*
- (c) respecting how benefits are paid under this Act;*

(6) The Schedule presently reads in part:

*2(1) A benefit or an amount used to calculate a benefit or eligibility for a benefit that is to be adjusted for the 2019 CPI adjustment year under section 2.2 of this Act must be adjusted by an amount equal to*

- (a) the benefit amount or amount for December 2018,*  
*multiplied by*
  - (b) the change in the Alberta CPI determined in accordance with section 3.*
- (2) Subject to the regulations, a benefit or an amount used to calculate a benefit or eligibility for a benefit that is to be adjusted*

**(b) in section 3**

**(i) by repealing subsection (1);**

**(ii) in subsection (2) by striking out** “For the 2020 CPI adjustment year and subsequent CPI adjustment years, the” **and substituting** “The”;

**(c) in section 4**

**(i) in subsection (1)(c) by striking out** “, for the 2019 CPI adjustment year”;

**(ii) by repealing subsection (2) and substituting the following:**

**(2)** Effective the CPI adjustment date of the CPI adjustment year determined by the Lieutenant Governor in Council under section 2.4 of this Act, the maximum annual cash benefit referred to in subsection (1)(c) must be adjusted annually in accordance with section 2.

**(d) by repealing Table 1 and substituting the following:**

**Table 1**

<b>Accommodation and Relationship Category</b>	<b>Percentage</b>	<b>Maximum Annual Cash Benefit</b>
Homeowner		
Single senior	16.27%	\$3431
Senior couple	16.31%	\$5146
Renter		
Single senior	16.27%	\$3431
Senior couple	16.31%	\$5146
Lodge Resident		
Single senior	16.27%	\$3431
Senior couple	16.31%	\$5146
Long-term Care Centre		
Single senior	16.27%	\$3431
Senior couple	16.31%	\$5146
Designated Assisted Living Unit		
Single senior	16.27%	\$3431
Senior couple	16.31%	\$5146
All other Accommodation		
Single senior	11.34%	\$2390
Senior couple	15.16%	\$4779

for the 2020 CPI adjustment year and subsequent CPI adjustment years under sections 2.1 or 2.2 of this Act must be adjusted by an amount equal to

(a) the benefit amount or amount for the previous CPI adjustment year, including any increase to that amount made under this Act or the regulations,

multiplied by

(b) the change in the Alberta CPI determined in accordance with section 3.

3(1) For the 2019 CPI adjustment year, the change in the Alberta CPI is the amount determined by the formula

$$X = \frac{A}{B} - 1$$

where

*X* is the change in the Alberta CPI, rounded to 3 decimal places;

*A* is the sum of the 12 individual Alberta CPI indexes for each month in the 12-month period ending July 31, 2018;

*B* is the sum of the 12 individual Alberta CPI indexes for each month in the 12-month period ending July 31, 2017.

(2) For the 2020 CPI adjustment year and subsequent CPI adjustment years, the change in the Alberta CPI is the amount determined by the formula

$$X = \frac{A}{B} - 1$$

where

*X* is the change in the Alberta CPI, rounded to 3 decimal places;

*A* is the sum of the 12 individual Alberta CPI indexes for each month in the 12-month period ending on September 30 of the calendar year that ended before the commencement of the CPI adjustment year;

**(e) in section 5**

- (i) in subsection (2)(b) by striking out** “for the 2019 CPI adjustment year”;
- (ii) in subsection (3) by striking out** “For the 2019 accommodation adjustment year and each subsequent accommodation adjustment year” **and substituting** “Effective the accommodation adjustment date of each accommodation adjustment year”;
- (iii) by repealing subsection (4) and substituting the following:**

**(4)** Effective the CPI adjustment date of the CPI adjustment year determined by the Lieutenant Governor in Council under section 2.4 of this Act, the maximum annual supplementary accommodation assistance component of the benefit referred to in subsection (2)(b) must be adjusted annually in accordance with section 2.

**(f) by repealing Table 2 and substituting the following:**

**Table 2**

<b>Accommodation and Relationship Category</b>	<b>Percentage</b>	<b>Maximum Annual Supplementary Accommodation Assistance Component</b>
Long-term Care Centre	68.83%	\$14 259
Designated Assisted Living Unit	68.83%	\$14 259

**(g) in section 7**

**(i) by repealing subsection (2)(a) and substituting the following:**

- (a)** by adding to the monthly accommodation charge for a private room as determined under section 3(1.1) of the *Nursing Homes Operation Regulation* (AR 258/85), a monthly disposable income amount of
  - (i)** subject to subclause (ii), \$322, or
  - (ii)** effective the CPI adjustment date of the CPI adjustment year determined by the Lieutenant Governor in Council under section 2.4 of this Act, an amount adjusted annually in accordance with section 2,

*B is the sum of the 12 individual Alberta CPI indexes for each month in the 12-month period immediately preceding the 12-month period referred to in A.*

*4(1) The income supplement component and accommodation assistance component of an annual cash benefit are based on*

- (a) the applicant's relationship status,*
- (b) the applicant's accommodation status, and*
- (c) subject to subsections (2) and (3), the income for calculating benefits of the applicant or the individuals in a senior couple, as the case may be, reduced by the applicable percentage set out in Column 2 of Table 1 and the maximum annual cash benefit set out in Column 3 of Table 1, for the 2019 CPI adjustment year.*

*(2) For the 2020 CPI adjustment year and each subsequent CPI adjustment year, the maximum annual cash benefit referred to in subsection (1)(c) must be adjusted in accordance with section 2(2).*

*[Table 1 omitted.]*

*5(1) Subject to section 6, this section applies to an individual who entered a long-term care centre or designated assisted living unit before October 1, 2007.*

*(2) The annual supplementary accommodation assistance component of an annual cash benefit is based on*

- (a) the applicant's accommodation status and, if applicable, the accommodation status of the applicant's spouse or adult interdependent partner, and*
- (b) subject to subsections (3), (4) and (5), the income for calculating benefits of the applicant, or one half of the combined incomes of the individuals in a senior couple, as the case may be, reduced by the applicable percentage set out in Column 2 of Table 2 and the maximum annual supplementary accommodation assistance component of the benefit set out in Column 3 of Table 2 for the 2019 CPI adjustment year.*

*(3) For the 2019 accommodation adjustment year and each subsequent accommodation adjustment year, the maximum annual supplementary accommodation assistance component of the benefit*

(ii) **in subsection (4) by striking out** “Effective the 2019 accommodation adjustment date” **and substituting** “Effective the accommodation adjustment date of each accommodation adjustment year”;

(h) **in section 8**

(i) **in subsection (1)**

(A) **by striking out** “For the 2018 benefit adjustment year, the” **and substituting** “The”;

(B) **in clause (a) by striking out** “\$20 715” **and substituting** “\$21 030”;

(C) **in clause (b) by striking out** “\$31 010” **and substituting** “\$31 480”;

(ii) **by repealing subsection (2) and substituting the following:**

(2) Effective the benefit adjustment date of each benefit adjustment year, the non-deductible income amount is the non-deductible income amount in the previous benefit adjustment year increased annually by a percentage equivalent to the Pension Index under the *Canada Pension Plan* (Canada) that was applicable for the calendar year that ended before the commencement of the benefit adjustment year.

(i) **in section 9**

(i) **by repealing subsection (2) and substituting the following:**

(2) An applicant is eligible for a discontinuous special needs component of a benefit if

(a) the applicant is eligible under the regulations, and

(b) in the case of primary funded items and an applicant who is a single senior, the applicant’s total income, after deducting the supplementary accommodation assistance benefit and Canada Pension Death benefit paid to the applicant in the calendar year immediately preceding the benefit adjustment year, is less than

(i) \$28 150, or

(ii) effective the benefit adjustment date of each benefit adjustment year, the sum of

*referred to in subsection (2)(b) must be adjusted by the amount of the increase in the daily accommodation charge for a private room as determined under section 3(1.1) of the Nursing Homes Operation Regulation (AR 258/85) that is in effect on the first day of the month after the accommodation adjustment date multiplied by 365.*

*(4) For the 2020 CPI adjustment year and each subsequent CPI adjustment year, the maximum annual supplementary accommodation assistance component of the benefit referred to in subsection (2)(b) must be adjusted in accordance with section 2(2).*

*[Table 2 omitted.]*

*7(1) Subject to section 6, this section applies to an individual who enters a long-term care centre or a designated assisted living unit on or after October 1, 2007.*

*(2) The supplementary accommodation assistance component of the benefit is calculated monthly*

*(a) by adding to the monthly accommodation charge for a private room as determined under section 3(1.1) of the Nursing Homes Operation Regulation (AR 258/85), a monthly disposable income amount of*

*(i) for 2019, \$322,*

*(ii) for the 2020 CPI adjustment year and each subsequent CPI adjustment year, an amount adjusted in accordance with section 2(2),*

*and*

*(b) by subtracting from the amount calculated under clause (a) the monthly average of the previous year's total income, not including any supplementary accommodation assistance component of the benefit received in the previous year, of the applicant and, if applicable, the applicant's spouse or adult interdependent partner.*

*(4) Effective the 2019 accommodation adjustment date, the maximum amount of the supplementary accommodation assistance component under subsection (3) must be adjusted each year on the accommodation adjustment date, as required, by an amount determined by the formula*

(A) the single senior non-deductible income amount under section 8 for the benefit adjustment year,

plus

(B) an amount equal to the maximum annual amount, not including retroactive payments and not adjusted for deferral, of the monthly pension payable to a single senior under the *Old Age Security Act* (Canada) in the calendar year that ended before the commencement of the benefit adjustment year,

adjusted annually,

(c) in the case of primary funded items and an applicant who is part of a senior couple, the senior couple's total income, after deducting the supplementary accommodation assistance benefit and Canada Pension Death benefit paid to the senior couple in the calendar year immediately preceding the benefit adjustment year, is less than

(i) \$45 720, or

(ii) effective the benefit adjustment date of each benefit adjustment year, the sum of

(A) the senior couple non-deductible income amount under section 8 for the benefit adjustment year,

plus

(B) an amount equal to double the maximum annual amount, not including retroactive payments and not adjusted for deferral, of the monthly pension payable to a single senior under the *Old Age Security Act* (Canada) in the calendar year that ended before the commencement of the benefit adjustment year,

adjusted annually,

(d) in the case of secondary funded items and an applicant who is a single senior, the applicant's total income, after deducting the supplementary accommodation assistance benefit and Canada Pension Death benefit paid to the applicant in the calendar year immediately preceding the benefit adjustment year, is less than

$$X = A + B - \left(\frac{C}{12}\right)$$

where

*X* is the maximum amount of the supplementary accommodation assistance component under subsection (3);

*A* is the monthly accommodation charge for a private room as determined under section 3(1.1) of the Nursing Homes Operation Regulation (AR 258/85) that is in effect on the first day of the month after the accommodation adjustment date;

*B* is the monthly disposable income amount added to the monthly accommodation charge under subsection (2)(a);

*C* is the combined maximum annual amount, not including retroactive payments, of Old Age Security, not adjusted for deferral, and Guaranteed Income Supplement payable to a single senior and the maximum benefit payable to a single senior under section 4, in the year immediately preceding the previous calendar year.

8(1) For the 2018 benefit adjustment year, the non-deductible income amount is

(a) \$20 715 for single seniors, and

(b) \$31 010 for senior couples.

(2) For the 2019 benefit adjustment year and each subsequent benefit adjustment year, the non-deductible income amount is the non-deductible income amount in the previous benefit adjustment year increased by a percentage equivalent to the Pension Index under the Canada Pension Plan (Canada) that was applicable for the calendar year that ended before the commencement of the benefit adjustment year.

9(1) In this section, “primary funded items” and “secondary funded items” mean the items classified as such under the regulations.

(2) An applicant is eligible for a discontinuous special needs component of a benefit if

(a) the applicant is eligible under the regulations, and

(b) in the case of primary funded items and an applicant who is a single senior, the applicant’s total income, after deducting

- (i) \$23 750, or
- (ii) effective the benefit adjustment date of each benefit adjustment year, the sum of
  - (A) the single senior non-deductible income amount under section 8 for the benefit adjustment year,
  - plus
  - (B) an amount equal to the maximum annual amount, not including retroactive payments and not adjusted for deferral, of the monthly pension payable to a single senior under the *Old Age Security Act* (Canada) in the calendar year that ended before the commencement of the benefit adjustment year,

adjusted annually,

and
- (e) in the case of secondary funded items and an applicant who is part of a senior couple, the senior couple's total income, after deducting the supplementary accommodation assistance benefit and Canada Pension Death benefit paid to the senior couple in the calendar year immediately preceding the benefit adjustment year, is less than
  - (i) \$37 520, or
  - (ii) effective the benefit adjustment date of each benefit adjustment year, the sum of
    - (A) the senior couple non-deductible income amount under section 8 for the benefit adjustment year,
    - plus
    - (B) an amount equal to double the maximum annual amount, not including retroactive payments and not adjusted for deferral, of the monthly pension payable to a single senior under the *Old Age Security Act* (Canada) in the calendar year that ended before the commencement of the benefit adjustment year,

adjusted annually.

*the supplementary accommodation assistance benefit and Canada Pension Death benefit paid to the applicant in the calendar year immediately preceding the benefit adjustment year, is less than*

- (i) for the 2018 benefit adjustment year, \$27 690, and*
  - (ii) for the 2019 benefit adjustment year and each subsequent benefit adjustment year, the sum of*
    - (A) the single senior non-deductible income amount under section 8 for the benefit adjustment year,*  
*plus*
    - (B) an amount equal to the maximum annual amount, not including retroactive payments and not adjusted for deferral, of the monthly pension payable to a single senior under the Old Age Security Act (Canada) in the calendar year that ended before the commencement of the benefit adjustment year,*
- (c) in the case of primary funded items and an applicant who is part of a senior couple, the senior couple's total income, after deducting the supplementary accommodation assistance benefit and Canada Pension Death benefit paid to the senior couple in the calendar year immediately preceding the benefit adjustment year, is less than*
- (i) for the 2018 benefit adjustment year, \$44 965, and*
  - (ii) for the 2019 benefit adjustment year and each subsequent benefit adjustment year, the sum of*
    - (A) the senior couple non-deductible income amount under section 8 for the benefit adjustment year,*  
*plus*
    - (B) an amount equal to double the maximum annual amount, not including retroactive payments and not adjusted for deferral, of the monthly pension payable to a single senior under the Old Age Security Act (Canada) in the calendar year that ended before the commencement of the benefit adjustment year,*

**(ii) by repealing subsection (3) and substituting the following:**

**(3)** The maximum amount that an applicant is eligible to receive under subsection (2) in a benefit adjustment year, regardless of the number of claims made in the benefit adjustment year, is

- (a) subject to clause (b), \$5105, and
- (b) effective the CPI adjustment date of the CPI adjustment year determined by the Lieutenant Governor in Council under section 2.4 of this Act, an amount adjusted annually in accordance with section 2.

**(j) Section 10(1) is repealed and the following is substituted:**

**Maximum amounts of primary and secondary funded items**

**10(1)** Subject to the regulations and subsection (2), if a maximum amount that may be paid for a primary or secondary funded item has been designated under the regulations, the maximum amount that may be paid for that funded item must be adjusted annually in accordance with section 2, effective the CPI adjustment date of the CPI adjustment year determined by the Lieutenant Governor in Council under section 2.4 of this Act.

- (d) *in the case of secondary funded items and an applicant who is a single senior, the applicant's total income, after deducting the supplementary accommodation assistance benefit and Canada Pension Death benefit paid to the applicant in the calendar year immediately preceding the benefit adjustment year, is less than*
- (i) *for the 2018 benefit adjustment year, \$23 290, and*
  - (ii) *for the 2019 benefit adjustment year and each subsequent benefit adjustment year, the sum of*
    - (A) *the single senior non-deductible income amount under section 8 for the benefit adjustment year,*  
*plus*
    - (B) *an amount equal to the maximum annual amount, not including retroactive payments and not adjusted for deferral, of the monthly pension payable to a single senior under the Old Age Security Act (Canada) in the calendar year that ended before the commencement of the benefit adjustment year,*
- and*
- (e) *in the case of secondary funded items and an applicant who is part of a senior couple, the senior couple's total income, after deducting the supplementary accommodation assistance benefit and Canada Pension Death benefit paid to the senior couple in the calendar year immediately preceding the benefit adjustment year, is less than*
- (i) *for the 2018 benefit adjustment year, \$36 765, and*
  - (ii) *for the 2019 benefit adjustment year and each subsequent benefit adjustment year, the sum of*
    - (A) *the senior couple non-deductible income amount under section 8 for the benefit adjustment year,*  
*plus*
    - (B) *an amount equal to double the maximum annual amount, not including retroactive payments and not adjusted for deferral, of the monthly pension payable to a single senior under the Old Age Security Act*

**(7) This section has effect on December 31, 2019.**

### **Student Financial Assistance Act**

**Amends SA 2002 cS-20.5**

**18(1) The *Student Financial Assistance Act* is amended by this section.**

**(2) Section 22 is amended**

**(a) in subsection (1)(h) by adding “, including, without limitation, regulations prescribing or providing for a method of determining the rate at which interest is payable on the balance of a loan under an agreement referred to in section 10 that remains unpaid after March 31, 2020 or a later date specified in the regulations” after “loans”;**

**(b) by adding the following after subsection (2):**

**(3) An interest rate prescribed by or determined under regulations under subsection (1)(h) applies notwithstanding the terms and conditions of an agreement referred to in section 10 under which the loan was made or any vested rights of the borrower.**

*(Canada) in the year that ended before the commencement of the benefit adjustment year.*

*(3) The maximum amount that an applicant is eligible to receive under subsection (2) in a benefit adjustment year, regardless of the number of claims made in the benefit adjustment year, is*

*(a) for the 2019 CPI adjustment year, \$5105, and*

*(b) for the 2020 CPI adjustment year and each subsequent CPI adjustment year, an amount adjusted in accordance with section 2(2).*

*10(1) If a maximum amount that may be paid for a primary or secondary funded item has been designated under the regulations, the maximum amount that may be paid for that funded item must be adjusted, subject to the regulations and subsection (2),*

*(a) for the 2019 CPI adjustment year, in accordance with section 2(1), and*

*(b) for the 2020 CPI adjustment year and each subsequent CPI adjustment year, in accordance with section 2(2).*

(7) Coming into force.

### **Student Financial Assistance Act**

**18(1)** Amends chapter S-20.5 of the Statutes of Alberta, 2002.

(2) Section 22 presently reads in part:

*22(1) The Lieutenant Governor in Council may make regulations*

*(h) respecting loan repayments by borrowers and interest on loans;*

*(2) Regulations under subsection (1) may vary according to the different matters established under subsection (1)(c).*

## Schedule

### Public Sector Employers Act

#### Chapter P-40.7

##### *Table of Contents*

- 1 Interpretation
- 2 Application
- 3 Directives to employers
- 4 Confidentiality
- 5 Conflict
- 6 Crown not employer
- 7 Employers
- 8 Lieutenant Governor in Council regulations

##### Schedule

##### **Preamble**

WHEREAS public sector compensation is the largest government expenditure, constituting over half of the Government of Alberta's operating expense;

WHEREAS the Government of Alberta is committed to preserving and protecting public services for Albertans, and fiscal restraint in public sector collective bargaining is key to achieving this objective;

WHEREAS the Government of Alberta is committed to ensuring that the costs of collective agreements bargained by public sector employers are aligned with the Province's fiscal realities; and

WHEREAS the Government of Alberta is also committed to respecting the autonomy of public sector employers and the importance of the collective bargaining process:

##### **Interpretation**

**1(1)** In this Act,

- (a) "employer" means any of the following entities or a subsidiary of the following entities if the entity or subsidiary of the entity engages in collective bargaining or a related process:

- (i) an institution that forms part of the publicly funded post-secondary system other than an independent academic institution within the meaning of the *Post-secondary Learning Act*;
  - (ii) a board as defined in the *Education Act*;
  - (iii) a board as defined in the *Northland School Division Act*;
  - (iv) a Francophone regional authority as defined in the *Education Act*;
  - (v) a regional health authority established under the *Regional Health Authorities Act*;
  - (vi) an entity set out in the Schedule;
- (b) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (c) “publicly funded post-secondary system” means the system described in section 102.2 of the *Post-secondary Learning Act*;
- (d) “related process” includes any statutory process or other process agreed to by the employer and bargaining agent respecting possible changes to the terms of a collective agreement.
- (2)** For employers who are subject to the *Public Service Employee Relations Act*, “bargaining agent”, “collective agreement” and “collective bargaining” mean “bargaining agent”, “collective agreement” and “collective bargaining” within the meaning of the *Public Service Employee Relations Act*.
- (3)** For employers who are subject to the *Labour Relations Code*, “bargaining agent”, “collective agreement” and “collective bargaining” mean “bargaining agent”, “collective agreement” and “collective bargaining” within the meaning of the *Labour Relations Code*.

#### **Application**

**2** This Act does not apply to collective bargaining under, or a collective agreement under, the *Public Education Collective Bargaining Act* or a related process.

#### **Directives to employers**

**3(1)** The Minister may issue directives that an employer must follow before, during and after engaging in collective bargaining or a related process.

**(2)** Directives issued by the Minister under this section may include directives

- (a) respecting the term of a collective agreement an employer may propose or agree to,
  - (b) respecting fiscal limits the employer must operate within when engaging in collective bargaining or a related process,
  - (c) specifying information an employer must provide to the Minister, including
    - (i) information respecting compensation data and related information,
    - (ii) information respecting employment and labour market data and related information,
    - (iii) information for the purpose of monitoring compliance by the employer with directives issued by the Minister, and
    - (iv) any other information the Minister considers necessary respecting collective bargaining or a related process as set out in the directive,
 and
  - (d) respecting the steps to be taken by an employer for the purpose of confirming compliance with directives issued by the Minister under this section.
- (3) A directive may be general or particular in its application.
- (4) A directive may provide for
- (a) the form and manner in which the directive is to be complied with, and
  - (b) the time within which the directive is to be complied with.
- (5) The *Regulations Act* does not apply with respect to directives issued by the Minister under this section.

**Confidentiality**

- 4(1)** A directive issued by the Minister under this Act is confidential and may not be disclosed by the employer to any third party without prior consent of the Minister.
- (2)** Information provided to the Minister by an employer pursuant to a directive issued under this Act is confidential and, subject to the regulations, may only be disclosed by the Minister to another employer, an employee of a department or a

member of Executive Council as the Minister considers necessary for the administration of this Act.

**(3)** Information provided to another employer, an employee of a department or a member of Executive Council under subsection (2) is confidential and, subject to the regulations, may not be disclosed to a third party without the prior consent of the Minister.

#### **Conflict**

**5** If there is a conflict or inconsistency between

- (a) this Act or the regulations under this Act,
- (b) the *Labour Relations Code* or the regulations made under the *Labour Relations Code*, and
- (c) the *Public Service Employee Relations Act*,

this Act or the regulations under this Act apply.

#### **Crown not employer**

**6** Nothing in this Act makes the Crown an employer of a person of whom the Crown is not otherwise an employer.

#### **Employers**

**7(1)** The Lieutenant Governor in Council may by regulation amend the name of an entity or the description of an entity prescribed as an employer in the Schedule.

**(2)** The Lieutenant Governor in Council may by regulation amend the Schedule by prescribing additional entities as employers.

**(3)** For the purposes of a regulation made under subsection (2), the Lieutenant Governor in Council may only prescribe any of the following entities as employers:

- (a) a public agency to which the *Alberta Public Agencies Governance Act* applies;
- (b) an entity that receives funding from the Crown to provide a public service.

**(4)** The Lieutenant Governor in Council may by regulation exempt an employer, in whole or in part, from all or part of this Act.

**Lieutenant Governor in Council regulations**

**8** The Lieutenant Governor in Council may make regulations

- (a) defining, for the purposes of this Act, any word or expression used but not defined in this Act;
- (b) respecting the collection, use and disclosure of information, including personal information;
- (c) respecting any other matter necessary to carry out the purpose of this Act.

**Schedule**

For the purpose of section 1(1)(a)(vi) of this Act, each of the following entities is an “employer”:

- (a) Alberta Gaming, Liquor and Cannabis Commission;
- (b) Alberta Innovates;
- (c) Alberta Pensions Services Corporation;
- (d) ATB Financial;
- (e) Covenant Health;
- (f) Lamont Health Care Centre;
- (g) Travel Alberta;
- (h) The Workers’ Compensation Board.







